

Agriculture, Conservation and Forestry

PUBLIC 23 An Act to Reenact Standards for Road Construction for Forest Management Activities

LD 319

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARR KNEELAND	OTP	

Public Law 2003, chapter 23 reenacts the permit by rule provision for road construction or maintenance associated with forest management activities that was repealed on August 1, 2002. For an eligible activity, the permit by rule is effective upon receipt by the Department of Environmental Protection of a completed notification form.

PUBLIC 31 An Act to Further Define a Strain of Maine Standardbred Horses **EMERGENCY**

LD 85

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKENNEY MAYO	OTP-AM	H-17

Public Law 2003, chapter 31 allows the State Harness Racing Commission to register as a Maine Standardbred horse offspring produced during a year in which the offspring's sire was registered and stabled in Maine for breeding purposes. This change allows the offspring of a mare inseminated during 2003, 2004 or 2005 with semen transported out of state to be registered and race as a Maine Standardbred. The State Harness Racing Commission is required to report no later than February 1, 2005 to the joint standing committee of the Legislature having jurisdiction over agricultural matters on the breeding of Maine Standardbred horses and to make recommendations regarding the definition of "Maine Standardbred horse."

Public Law 2003, chapter 31 was enacted as an emergency measure effective April 8, 2003.

PUBLIC 61 An Act To Allow Experimentation in the Cultivation of Industrial Hemp

LD 53

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL BRYANT	OTP-AM	H-61

Public Law 2003, chapter 61 authorizes, but does not require, the Director of the Maine Agricultural Experiment Station to develop a study to explore the feasibility of growing industrial hemp in Maine. It requires appropriate federal permits to be obtained prior to undertaking such a study. It enacts a definition of "industrial hemp." It establishes an affirmative defense to prosecution under Maine's drug laws. A person charged with possessing, furnishing, trafficking in, cultivating or growing marijuana and alleging that the substance was industrial hemp would be required to prove by a preponderance of the evidence that the substance alleged to be marijuana was, in fact, industrial hemp and grown under and in compliance with a federal permit.

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PUBLIC 71 An Act To Strengthen the Animal Control Laws

LD 360

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUTTON	OTP-AM	H-60

Public Law 2003, chapter 71 adds a mandatory minimum fine of \$250 for keeping a dangerous dog and specifies that the fine may not be suspended. The maximum fine for keeping a dangerous dog is \$1,000, plus costs.

PUBLIC 120 An Act To Provide Financial Relief for Maine Dairy Farmers **EMERGENCY**

LD 1378

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIOTTI BRYANT	OTP-AM	H-271

Public Law 2003, chapter 120 allows money in the Agricultural Marketing Loan Fund to be used as security for, and to be applied to, payment of principal, interest and other amounts due on loans insured by the Finance Authority of Maine to eligible dairy farmers. It allows the Commissioner of Agriculture, Food and Rural Resources to use the Agricultural Marketing Loan Fund to provide additional financial assistance to dairy farmers. It transfers certain savings in other accounts within the department to the Maine Milk Commission for distribution to Maine milk producers. It provides for direct subsidy payments to the State's dairy farmers through the Maine Milk Pool in the event that the base price for milk falls below \$16.94 in any of the months from September 2003 to December 2003. The amount distributed during this period may not exceed \$3,000,000. The Governor is directed to seek a general fund appropriation in the second session of the 121st Legislature if needed for the distributions.

Public Law 2003, chapter 120 was enacted as an emergency measure effective May 9, 2003.

PUBLIC 145 An Act Regarding Mandated Reporters and Child Abuse

LD 1098

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN KANE	OTP-AM	S-84

Public Law 2003, chapter 145 adds state humane agents to the list of professionals required to report to the Department of Human Services when they know or have reasonable cause to suspect that a child has been or is likely to be abused. It also adds state humane agents to the list of professionals required to report to the Department of Human Services when they know or have reasonable cause to suspect that a dependent or incapacitated adult has been abused or neglected.

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PUBLIC 167 An Act To Improve Participation in the Farms for the Future Program LD 1461

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE	OTP	
BRYANT		

Public Law 2003, chapter 167 eliminates the requirement that farmers enter into a farmland protection covenant with the State to receive state funding for development of a business plan. It also removes development pressure from the selection criteria used to award funds under the Maine Farms for the Future Program.

PUBLIC 168 An Act To Improve Farmer Participation in the Agricultural Marketing Loan Fund LD 1430

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINEAU	OTP	
YOUNGBLOOD		

Public Law 2003, chapter 168 reduces the percentage of private funds needed to be eligible for a loan from the Agricultural Marketing Loan Fund from 10% to 5% of the total project cost. It increases the amount of project costs that may be covered by the State. It also directs the Commissioner of Agriculture, Food and Rural Resources to make a minimum of \$1,000,000 available from the Agricultural Marketing Loan Fund for loans to agricultural enterprises engaged in direct marketing. A similar provision was repealed December 31, 2002. The newly enacted provision has a repeal date of December 31, 2004.

PUBLIC 175 An Act To Modify Water Well Reporting Requirements LD 1398

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE	OTP	
YOUNGBLOOD		

Public Law 2003, chapter 175 enacts a definition of “well drilling company” in Title 12 and makes a well drilling company the entity responsible for submitting water well information to the State. It reduces the time allowed for the company to submit the information from 6 months to 30 days, which is consistent with the time required by the Maine Water Well Commission.

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PUBLIC 220 An Act To Bring the State into Conformity with the National Organic Program

LD 1459

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT MCKEE	OTP-AM	S-83

Public Law 2003, chapter 220 repeals the statutes relating to the certification and labeling of foods as natural, or organic. In October of 2002, the United States Department of Agriculture's Agricultural Marketing Service established standards for the production and handling of fresh and processed organic foods, as well as labels and labeling requirements for organic products. Accredited agencies certify compliance with the national organic standards. The State has chosen not to become accredited under the new federal program because of limited resources within the Department of Agriculture, Food and Rural Resources and to avoid competing with private entities that provide certification services.

PUBLIC 254 An Act To Amend Provisions of the Submerged Lands Law

LD 1531

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUDLEY YOUNGBLOOD	OTP-AM	H-275

Public Law 2003, chapter 254 increases the administrative fee for submerged lands easement applications and doubles the administrative fee for after-the-fact applications. It authorizes a portion of the Shore and Harbor Management Fund to be used for management of state-owned coastal islands and clarifies the provisions by which a watercraft may be declared abandoned in coastal waters of the State.

PUBLIC 262 An Act Regarding the Sale and Protection of Ferrets

LD 928

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE	OTP-AM	H-296

Public Law 2003, chapter 262 prohibits the importation or sale of a ferret that is less than 8 weeks of age as determined by tooth development.

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PUBLIC 282 **An Act To Amend the Maine Pesticide Control Act of 1975 To Increase the Pesticide Product Registration Fee** **LD 1400**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM	H-339
BRYANT		

Public Law 2003, chapter 282 increases the annual pesticide registration fee from \$115 to \$125 per product, to help fund the increased costs of salaries and benefits for staff to the Board of Pesticide Control.

PUBLIC 283 **An Act To Modify the Exemption for Compost under the Nutrient Management Law and the Nutrient Management Review Board's Authority To Hear Appeals** **LD 1543**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT	OTP MAJ	
CARR	ONTP MIN	

Public Law 2003, chapter 283 requires a farm that brings 100 tons or more of compost in a year onto the farm to have a nutrient management plan. It gives the Nutrient Management Review Board within the Department of Agriculture, Food and Rural Resources the authority to hear appeals and resolve disputes involving issues related to site-specific best management practices. Currently the board has the authority to address only disputes that are manure or nutrient-related. It authorizes the appointment of up to 3 temporary members to the board.

It also adds a penalty to the law prohibiting improper handling of manure for failure to implement best management practices that have been prescribed by the Department of Agriculture, Food and Rural Resources in response to complaints about manure handling and storage.

PUBLIC 329 **An Act To Amend the Laws Governing Agricultural Marketing and Bargaining** **LD 1282**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-160
SMITH W		

Public Law 2003, chapter 329 makes changes to the laws governing agricultural marketing and bargaining. It establishes a fair share fee at 50% of association member dues and distinguishes between nonmember producers who enter into contracts with a dealer or processor based on whether the contract was entered into before or after the association signed an agreement with the dealer or processor. It allows a nonmember signing a contract after the association's agreement is signed to choose between having that nonmember's fair share dues paid to the association or deposited in a scholarship fund established by the dealer or processor. It gives a nonmember signing a contract before the association's agreement is signed the option of having a fair share fee withheld and deposited in a scholarship fund established by the dealer or processor but requires a dealer or processor to

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withhold the fair share fee if the nonmember's contract changes after the association signs an agreement and the changes increase the value of the nonmember's contract.

It amends the provision for a 3-day limit for mediation of disputes between the handler and the qualified association for annual crops to specify that the 3 days must be consecutive business days. It requires that the list of arbitrators submitted contain the names of only those arbitrators who are available for the specific pending arbitration and have expressed a willingness to serve.

PUBLIC 334 An Act to Clarify the Definition of Livestock

LD 181

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN HALL	OTP-AM	H-377

Public Law 2003, chapter 334 amends the definition of livestock within the jurisdiction of the Department of Agriculture, Food and Rural Resources to include bison, ratites, which include ostriches and emus, and members of the genus lama, which includes llamas and alpacas.

PUBLIC 335 An Act To Promote Consistent Protection of the State's Waters

LD 245

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINEAU MARTIN	OTP-AM	H-378

Public Law 2003, chapter 335 authorizes the Department of Conservation to proceed with rulemaking to implement a statewide standard for timber harvesting and timber harvesting activities in shoreland areas. It allows a municipality to retain a municipal ordinance pertaining to timber harvesting and timber harvesting activities in shoreland areas if the ordinance is consistent with laws and rules in effect December 31, 2005. The statewide standards must be adopted by October 1, 2003 with a delayed effective date of January 1, 2006. The Maine Land Use Regulation Commission, the Commissioner of Environmental Protection and the Board of Environmental Protection are directed to amend or repeal their rules as necessary to remove any provisions that duplicate or conflict with the statewide standards. It authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to report out legislation necessary to implement the statewide standard for timber harvesting in shoreland areas or clarify the responsibilities of the Bureau of Forestry in administering and enforcing the standard.

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PUBLIC 343 An Act To Amend Maine's Arborist Licensing Laws

LD 1463

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE	OTP-AM	H-386
BRYANT		

Public Law 2003, chapter 343 simplifies the arborist licensing provisions and brings them into conformity with actual practices in the arborist profession. It allows the Department of Agriculture, Food and Rural Resources to waive the examination requirement when a nonresident applicant for an arborist's license is certified by the International Society of Arboriculture. It authorizes the department to suspend, revoke or refuse to issue or renew an arborist license, if an arborist repeatedly violates the standards of practice for the arborist profession as established in rule.

PUBLIC 345 An Act To Clarify the Timber Harvesting Notification Requirements

LD 1407

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT	OTP MAJ	H-385 TRAHAN
PINEAU	ONTP MIN	

Public Law 2003, chapter 345 amends the provisions for harvest notification to specify that the exemptions for certain 2 and 5 acres harvests apply only when the landowner performs the harvest.

PUBLIC 346 An Act To Protect the Small Forest Landowners

LD 1500

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT	OTP-AM	S-162
JODREY		

Public Law 2003, chapter 346 specifies that addresses and other contact information collected for the purpose of contacting forest owners are not a public record. The Department of Conservation, Bureau of Forestry may share the information but is not required to provide it.

PUBLIC 350 An Act To Address Concerns Regarding the Breeding and Sale of EMERGENCY Certain Small Mammals

LD 1228

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE	OTP-AM	H-448

Public Law 2003, chapter 350 places in statute certain record-keeping requirements that are in rule, except that it also requires records to be kept on lagomorphs. It directs the Commissioner of Agriculture, Food and Rural

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Resources to report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than December 31st on the regulation of breeders and sellers of small mammals commonly kept as pets. It authorizes the committee to report out a bill during the Second Regular Session of the 121st Legislature regarding regulation of these breeders and sellers.

Public Law 2003, chapter 350 was enacted as an emergency measure effective May 30, 2003.

PUBLIC 386 An Act Concerning the Animal Health and Disease Control Laws

LD 1583

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT PIOTTI	OTP-AM	S-187

Public Law 2003, chapter 386 requires the Commissioner of Agriculture, Food and Rural Resources to develop a cattle health assurance program including an assessment plan for on-site evaluation of farms. It requires the commissioner to adopt routine technical rules for the administration of this program. It updates and clarifies standards for the licensing of deer and elk (cervid) farms. It requires the commissioner to develop a chronic wasting disease surveillance program.

PUBLIC 405 An Act To Amend the Animal Welfare Laws

LD 1545

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT PINEAU	OTP-AM MAJ ONTP MIN	H-533 MCKEE S-195

Public Law 2003, chapter 405 increases fees for dog licenses and fees for various animal facility licenses, including breeding kennels, boarding kennels, pet shops, animal shelters and research institutions. Dog licenses are increased from \$7.50 to \$10 for dogs capable of producing young and from \$4 to \$6 for dogs incapable of producing young. Chapter 405 requires that humane agents employed by the Department of Agriculture, Food and Rural Resources complete a 100-hour in-service program at the Maine Criminal Justice Academy or a nationally recognized program dealing with animal welfare.

It authorizes the Commissioner of Agriculture, Food and Rural Resources to establish a pilot project for issuing dog licenses via the Internet and allows the commissioner to accept funds and gifts for deposit in a separate account to enhance the animal welfare program. It requires a veterinarian's statement in writing prior to a humane agent, animal control officer or animal shelter authorizing euthanasia of a severely sick, severely injured or extremely vicious cat. It establishes a process for animal shelters to accept and dispose of pets whose owners are incarcerated or hospitalized.

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PUBLIC 422 An Act To Promote Stewardship of Forest Resources

LD 1616

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL BRYANT	OTP-AM	H-512

Public Law 2003, chapter 422 defines "liquidation harvesting" and requires the Commissioner of Conservation to provisionally adopt major substantive rules to substantially eliminate liquidation harvesting. The rule must be submitted to the Legislature by February 1, 2004. Chapter 422 specifies that the rule include appropriate exemptions for harvests covering small acreages, permitted land conversions and for land managed under an independent 3rd party certification for sustainable forest management. It also requires the Commissioner of Conservation to solicit input from interested parties in developing recommendations for additional solutions to the issue of liquidation harvesting. It requires the Department of Conservation to provide a final report no later than January 2, 2004 to the Joint Standing Committee on Agriculture, Conservation and Forestry and authorizes the committee to report out a bill to the Second Regular Session of the 121st Legislature to implement the recommendations in the report.

PUBLIC 454 An Act To Improve Enforcement of the State's Natural Resource Protection, Timber Theft and Trespass Laws

LD 1447

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINEAU	OTP-AM	H-456 H-547 PINEAU

Public Law 2003, chapter 454 requires a truck driver upon request to present a copy of the trip ticket to a forest ranger in any log yard or mill site. It requires a wood scaler to present the record of measurement including the trip ticket or information contained on the trip ticket to a forest ranger upon request.

P & S 1 An Act To Eliminate a Defunct Account in the Department of EMERGENCY Agriculture, Food and Rural Resources

LD 570

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N HALL	OTP-AM	H-12

Private and Special Law 2003, chapter 1 transfers to the General Fund the balance remaining in the Dairy Farm Stabilization Fund within the Department of Agriculture, Food and Rural Resources. The statutory authority for this fund was repealed in 1995.

Private and Special Law 2003, chapter 1 was enacted as an emergency measure effective March 20, 2003.

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P & S 2 **An Act To Provide Temporary Emergency Relief to Maine Dairy** **LD 593**
EMERGENCY **Farmers**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT	OTP-AM	S-1
PIOTTI		

Private and Special Law 2003, chapter 2 provides for the allocation of funds to provide temporary emergency relief to Maine dairy farmers. See the enacted law summary for LD 1378 for other relief measures for Maine dairy farmers.

Private and Special Law 2003, chapter 2 was enacted as an emergency measure effective March 20, 2003.

P & S 11 **An Act To Amend the Laws Regarding the Location of the Wells** **LD 777**
National Estuarine Research Reserve

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS	OTP-AM	H-100
CARPENTER		

Private and Special Law 2003, chapter 11 amends the description of the location of the Wells National Estuarine Research Reserve to include lands or interests in land acquired from willing sellers or added to the reserve by agreement for the purpose of furthering the reserve's conservation, research or educational purposes. It requires the Wells National Estuarine Research Reserve Management Authority to provide a copy of its annual financial report to the joint standing committee of the Legislature having jurisdiction over conservation matters. This is a correction to designate the appropriate committee of jurisdiction to receive the report.

RESOLVE 13 **Resolve, Directing the Department of Conservation To Create the** **LD 680**
Kennebec River Historic Waterway

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL	OTP-AM	H-152
TREAT		

Resolve 2003, chapter 13 directs the Department of Conservation to design and establish the Kennebec River Historic Waterway from Popham Beach in Phippsburg to Fort Halifax in Winslow and to report to the Joint Standing Committee on Agriculture, Conservation and Forestry by January 31, 2004 on progress made in various elements of the plan for increasing recreational opportunities along the waterway.

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RESOLVE 41 **Resolve, Requiring the Department of Agriculture, Food and Rural Resources To Adopt Rules Regarding Care and Treatment of Elephants** **LD 327**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON	ONTP MAJ	S-120 PENDLETON
MCKEE	OTP-AM MIN	S-85

Resolve 2003, chapter 41 requires the Department of Agriculture, Food and Rural Resources to adopt routine technical rules regarding the care and treatment of elephants based on standards of the Animal and Plant Health Inspection Service of the United States Department of Agriculture.

RESOLVE 65 **Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands** **LD 1558**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUNKER	OTP-AM	H-432

Resolve 2003, chapter 65 authorizes the conveyance of certain property by the Director of the Bureau of Parks and Lands within the Department of Conservation to SP Forests, L.L.C. for fair market value as established by an independent appraiser. The State will be acquiring land of greater fair market value and containing significantly greater public recreational opportunities. The Bureau of Parks and Lands is seeking funds from the Land for Maine's Future program and the Outdoor Heritage Fund to make up the net difference in fair market value between the properties being conveyed and those being acquired. The acquisitions include shore frontage on Sebois Lake in Lakeview Plantation, land abutting the East Machias River and an island in Rock Lake in Washington County.

PASSED **JOINT STUDY ORDER – The Joint Standing Committee on ACF shall conduct a study of New Payment Models for the Logging Industry** **HP 724**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP	S-263

House Paper 724 directs the Joint Standing Committee on Agriculture, Conservation and Forestry to conduct a study during authorized interim committee meetings on new payments models for the logging industry. More specifically, the committee is directed to examine how logging contractors and their employees are paid, the impact of public policies on forest management, and state labor and educational policies pertaining to logger apprenticeship programs. The committee is required to submit a report, including any legislation necessary to implement recommendations, to the Legislature no later than December 3, 2003.

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PASSED

**JOINT ORDER – Directing the Office of Policy & Legal Analysis
and the Office of the Revisor of Statutes to Recodify MRSA, Title 7**

SP 586

Sponsor(s)
BRYANT

Committee Report

Amendments Adopted

Senate Paper 586 directs the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes to prepare a bill that proposes the recodification of Maine Revised Statutes, Title 7. Title 7 contains laws relating to agriculture and animals. The offices are directed to reorganize the laws in Title 7, eliminate archaic terms and confusing language, update cross references and make technical changes to improve the readability and accessibility of the Title. The offices are directed to submit the proposed recodification bill to the joint standing committee having jurisdiction over agricultural matters no later than January 15, 2005.

Appropriations and Financial Affairs

**PUBLIC 2
EMERGENCY**

An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2003

LD 483

<u>Sponsor(s)</u> BRANNIGAN CATHCART	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-6
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Public Law 2003, chapter 2 does the following.

<u>Part</u>	<u>Section</u>	<u>Description</u>
A	A-1	Part A makes appropriations and allocations of funds in fiscal year 2002-03.
B	B-1:B-4	Part B makes appropriations and allocations of funds for approved reclassifications and range changes in fiscal year 2002-03.
C	C-1	Authorizes the State Budget Officer to transfer by financial order upon approval of the Governor the salary savings amounts identified in Part A of this Act.
	C-2	Authorizes the State Budget Officer to transfer by financial order upon approval of the Governor the curtailment amounts identified in the fiscal year 2002-03 Personal Services, All Other and Capital Expenditures appropriations of the accounts in Financial Order 06158 F3, for all departments and agencies up to the amount of the deappropriations in Part A, section 1 of this Act.
	C-3	Lapses \$153,054 from the General Fund Salary Plan account in the Department of Administrative and Financial Services to the General Fund in fiscal year 2002-03.
	C-4	Lapses \$8,000 from the Homestead Property Tax Exemption - Mandate Reimbursement General Fund account in the Department of Administrative and Financial Services to the General Fund in fiscal year 2002-03.
	C-5	Transfers \$37,000 from the Food Vending Services, Other Special Revenue Funds account in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund no later than June 30, 2003.
	C-6	Transfers \$250,000 from the Elderly Tax Deferral, Other Special Revenue Funds account in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund no later than June 30, 2003.
	C-7	Delays the issuance of one or more Outdoor Heritage Fund Instant Ticket Games from fiscal year 2002-03 to fiscal year 2003-04 to generate an additional \$300,000 in undedicated revenue to the General Fund in fiscal year 2002-03 from lottery revenues.
D	D-1	Transfers \$25,000 from the Harness Racing Commission, Other Special Revenue Funds account in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund no later than June 30, 2003.

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<u>Part</u>	<u>Section</u>	<u>Description</u>
D-2		Transfers \$25,000 from the Quality Assurance and Regulation, Other Special Revenue Funds account in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund no later than June 30, 2003.
D-3		Transfers \$55,000 from the Agricultural Production, Other Special Revenue Funds account in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund no later than June 30, 2003.
D-4		Transfers \$15,000 from the Animal Industry Fund, Other Special Revenue Funds account in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund no later than June 30, 2003.
D-5		Transfers \$27,852 from the Office of the Commissioner, Other Special Revenue Funds account in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund no later than June 30, 2003.
D-6		Transfers \$691 from the Office of Agricultural and Natural Resources, Other Special Revenue Funds account, from appropriation unit 02, in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund no later than June 30, 2003.
D-7		Transfers \$4,644 from the Office of Agricultural and Natural Resources, Other Special Revenue Funds account, from appropriation unit 03, in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund no later than June 30, 2003.
D-8		Transfers \$6,805 from the Production and Marketing Development, Other Special Revenue Funds account in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund no later than June 30, 2003.
E	E-1	Transfers \$14,352 from the Arts and Humanities, Other Special Revenue Funds account in the Maine Arts Commission to the unappropriated surplus of the General Fund no later than June 30, 2003.
F	F-1	Transfers \$20,000 from the Attorney General - Legal Services, Other Special Revenue Funds account in the Department of the Attorney General to the unappropriated surplus of the General Fund no later than June 30, 2003.
G	G-1	Transfers \$50,242 from the Statewide Single Audit Set-aside, Other Special Revenue Funds account in the Department of Audit to the unappropriated surplus of the General Fund no later than June 30, 2003.
H	H-1	Lapses \$260,224 in the Mental Health Services Community Medicaid General Fund account in the Department of Behavioral and Developmental Services to the General Fund in fiscal year 2002-03.
	H-2	Lapses \$30,795 in the Disproportionate Share - Augusta Mental Health Institute General Fund account in the Department of Behavioral and Developmental Services to the General Fund in fiscal year 2002-03.

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<u>Part</u>	<u>Section</u>	<u>Description</u>
	H-3	Lapses \$40,270 in the Disproportionate Share - Bangor Mental Health Institute General Fund account in the Department of Behavioral and Developmental Services to the General Fund in fiscal year 2002-03.
	H-4	Transfers \$13,194 from the Mental Retardation Services Community, Other Special Revenue Funds account in the Department of Behavioral and Developmental Services to the unappropriated surplus of the General Fund no later than June 30, 2003.
	H-5	Transfers \$157,293 from the Mental Health Services Commission, Other Special Revenue Funds account in the Department of Behavioral and Developmental Services to the unappropriated surplus of the General Fund no later than June 30, 2003.
	H-6	Transfers \$433,516 from the Mental Health Services Children - Maximus, Other Special Revenue Funds account in the Department of Behavioral and Developmental Services to the unappropriated surplus of the General Fund no later than June 30, 2003.
	H-7	Transfers \$25,167 from the Office of Substance Abuse Services, Other Special Revenue Funds account in the Department of Behavioral and Developmental Services to the unappropriated surplus of the General Fund no later than June 30, 2003.
	H-8	Recognizes \$1,626,396 in undedicated revenue to the General Fund in fiscal year 2002-03 from the Department of Behavioral and Developmental Services' request for federal reimbursement of Mental Retardation Targeted Case Management.
I	I-1	Lapses \$86,408 in the Downeast Correctional Facility General Fund carrying account in the Department of Corrections to the General Fund in fiscal year 2002-03.
J	J-1	Transfers \$15,000 from the Whitewater Rafting Parks and Recreation Fund, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2003.
	J-2	Transfers \$65,000 from the Conservation Central Administration - General Services, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2003.
	J-3	Transfers \$20,000 from the Publications Revolving Fund, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2003.
	J-4	Transfers \$50,000 from the Community Forestry Fund, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2003.
	J-5	Transfers \$128,000 from the Boating Facilities Fund, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2003.
	J-6	Transfers \$3,200 from the Land Use Regulation Commission Mining Rules, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2003.

Appropriations and Financial Affairs

<u>Part</u>	<u>Section</u>	<u>Description</u>
	J-7	Transfers \$169,000 from the Shore and Harbor Management Fund, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2003.
	J-8	Transfers \$3,111 from the Coastal Island Registry, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2003.
	J-9	Transfers \$40,000 from the Community Forestry Fund, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2003. This one-time transfer is to fund the retroactive portion of the forester position range change in Part B, section 1 of this Act.
K	K-1	Transfers \$19,900 from the Armory Rental Fund, Other Special Revenue Funds account in the Department of Defense, Veterans and Emergency Management to the unappropriated surplus of the General Fund no later than June 30, 2003.
	K-2	Transfers \$78,000 from the Emergency Response Operations, Other Special Revenue Funds account in the Department of Defense, Veterans and Emergency Management to the unappropriated surplus of the General Fund no later than June 30, 2003.
	K-3	Transfers \$20,000 from the Emergency Response, Other Special Revenue Funds account in the Department of Defense, Veterans and Emergency Management to the unappropriated surplus of the General Fund no later than June 30, 2003.
L	L-1	Establishes an Energy Conservation Small Business Revolving Loan Fund account in the Energy Conservation Division program within the Department of Economic and Community Development. The fund is a nonlapsing and interest-earning account.
	L-2	Transfers \$1,500 from the Curriculum Training and Workshop, Other Special Revenue Funds account in the Department of Economic and Community Development to the unappropriated surplus of the General Fund no later than June 30, 2003.
	L-3	Transfers \$6,905 from the Office of Energy Resources, Other Special Revenue Funds account in the Department of Economic and Community Development to the unappropriated surplus of the General Fund no later than June 30, 2003.
	L-4	Transfers \$22,211 from the Publications Revolving Fund, Other Special Revenue Funds account in the Department of Economic and Community Development to the unappropriated surplus of the General Fund no later than June 30, 2003.
M	M-1	Transfers \$60 from the Mellon III Grant, Other Special Revenue Funds account in the Department of Education to the unappropriated surplus of the General Fund no later than June 30, 2003.
	M-2	Transfers \$629 from the Loss Prevention and Recovery, Other Special Revenue Funds account in the Department of Education to the unappropriated surplus of the General Fund no later than June 30, 2003.

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<u>Part</u>	<u>Section</u>	<u>Description</u>
	M-3	Transfers \$43 from the Interactive Television, Other Special Revenue Funds account in the Department of Education to the unappropriated surplus of the General Fund no later than June 30, 2003.
	M-4	Transfers \$3,977 from the Workshops and Training, Other Special Revenue Funds account in the Department of Education to the unappropriated surplus of the General Fund no later than June 30, 2003.
N	N-1	Transfers \$286,000 from the Maine Environmental Protection Fund, Other Special Revenue Funds account in the Department of Environmental Protection to the unappropriated surplus of the General Fund no later than June 30, 2003.
	N-2	Transfers \$30,000 from the Borrow Pit Regulation, Other Special Revenue Funds account in the Department of Environmental Protection to the unappropriated surplus of the General Fund no later than June 30, 2003.
O	O-1	Transfers \$100,000 from the Governor's Contingent Account, General Fund in the Executive Department to the unappropriated surplus of the General Fund no later than June 30, 2003.
	O-2	Lapses \$117,664 in the Smart Growth Initiative account in the Executive Department to the General Fund in fiscal year 2002-03.
	O-3	Transfers \$27,383 from the State Planning Office, Other Special Revenue Funds account in the Executive Department to the unappropriated surplus of the General Fund no later than June 30, 2003.
	O-4	Transfers \$6,600 from the State Planning Office - Workshops and Training, Other Special Revenue Funds account in the Executive Department to the unappropriated surplus of the General Fund no later than June 30, 2003.
	O-5	Transfers \$3,257 from the State Planning Office - Publications, Other Special Revenue Funds account in the Executive Department to the unappropriated surplus of the General Fund no later than June 30, 2003.
	O-6	Transfers \$1,000 from the State Planning Office - Energy Related Homes Program, Other Special Revenue Funds account in the Executive Department to the unappropriated surplus of the General Fund no later than June 30, 2003.
	O-7	Transfers \$432 from the State Planning Office - Maine Commission for Community Service, Other Special Revenue Funds account in the Executive Department to the unappropriated surplus of the General Fund no later than June 30, 2003.
	O-8	Transfers \$86,086 from the Public Advocate Regulatory Fund, Other Special Revenue Funds account in the Executive Department to the unappropriated surplus of the General Fund no later than June 30, 2003.
P	P-1	Transfers \$50,615 from the Maine Health Data Organization, Other Special Revenue Funds account in the Maine Health Data Organization to the unappropriated surplus of the General Fund no later than June 30, 2003.

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<u>Part</u>	<u>Section</u>	<u>Description</u>
Q	Q-1	Transfers \$16,352 from the Maine Historic Preservation Commission, Other Special Revenue Funds account in the Maine State Historic Preservation Commission to the unappropriated surplus of the General Fund no later than June 30, 2003.
R	R-1	Transfers \$3,201,250 from the Maine State Housing Authority - HOME Fund, Other Special Revenue Funds account in the Maine State Housing Authority to the unappropriated surplus of the General Fund no later than June 30, 2003. Part R requires the State Controller to suspend payments to the Maine State Housing Authority until sufficient funds are available in the Housing Opportunities for Maine Fund to make the transfer required by this Part. Once sufficient funds are available for the required transfer, the State Controller may resume payments.
S	S-1	Transfers \$11,853 from the Human Rights Commission, Other Special Revenue Funds account in the Human Rights Commission to the unappropriated surplus of the General Fund no later than June 30, 2003. The intent of this transfer is to provide the funding for the General Fund appropriation request for the Human Rights Commission in Part A of this Act.
T	T-1	Transfers \$58,126 from the Bureau of Medical Services, Other Special Revenue Funds account in the Department of Human Services to the unappropriated surplus of the General Fund no later than June 30, 2003.
U	U-1	Transfers \$136,913 from the unappropriated surplus of the General Fund to the Inland Fisheries and Wildlife Carrying Balances - General Fund account. This amount represents the adjustment difference between fiscal year 2001-02 actual and estimated revenues. These funds may be allotted by financial order in fiscal year 2002-03 to the Department of Inland Fisheries and Wildlife program upon recommendation of the State Budget Officer and approval of the Governor.
	U-2	Lapses \$150,000 from the Inland Fisheries and Wildlife - Carrying Balance General Fund account in the Department of Inland Fisheries and Wildlife to the General Fund in fiscal year 2002-03. These savings are available from funds set aside for the Hatchery Engineering project. The project costs will be paid from bond funds.
	U-3	Transfers \$168 from the Commissioner's Office, Other Special Revenue Funds account in the Department of Inland Fisheries and Wildlife to the unappropriated surplus of the General Fund no later than June 30, 2003.
V	V-1	Transfers \$72,800 from the Supreme Judicial and Superior Courts, Other Special Revenue Funds account in the Judicial Department to the unappropriated surplus of the General Fund no later than June 30, 2003.
W	W-1	Establishes the Rehabilitation Services - Medicaid General Fund account in the Department of Labor as a nonlapsing carrying account.
	W-2	Lapses \$131,100 in the Governor's Training Initiative General Fund account in the Department of Labor to the General Fund in fiscal year 2002-03.
	W-3	Transfers \$80,000 from the Employment Services Activity, Other Special Revenue Funds account in the Department of Labor to the unappropriated surplus of the General Fund no later than June 30, 2003.

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<u>Part</u>	<u>Section</u>	<u>Description</u>
	W-4	Transfers \$150,000 from the Blind and Visually Impaired, Other Special Revenue Funds account in the Department of Labor to the unappropriated surplus of the General Fund no later than June 30, 2003.
	W-5	Transfers \$87,504 from the Safety Education and Training Fund, Other Special Revenue Funds account in the Department of Labor to the unappropriated surplus of the General Fund no later than June 30, 2003.
X	X-1	Transfers \$225,000 from the Watercraft Fund, Other Special Revenue Funds account in the Department of Marine Resources to the unappropriated surplus of the General Fund no later than June 30, 2003.
	X-2	Transfers \$150,000 from the Shellfish Fund, Other Special Revenue Funds account in the Department of Marine Resources to the unappropriated surplus of the General Fund no later than June 30, 2003.
	X-3	Transfers \$17,670 from the Loss Prevention, Other Special Revenue Funds account in the Department of Marine Resources to the unappropriated surplus of the General Fund no later than June 30, 2003.
	X-4	Transfers \$1,591 from the Boat Sale Conversion, Other Special Revenue Funds account in the Department of Marine Resources to the unappropriated surplus of the General Fund no later than June 30, 2003.
Y	Y-1	Transfers \$8,176 from the Publications Revolving Fund, Other Special Revenue Funds account in the Maine State Museum to the unappropriated surplus of the General Fund no later than June 30, 2003.
	Y-2	Transfers \$8,176 from the Private Contribution Revolving Fund, Other Special Revenue Funds account in the Maine State Museum to the unappropriated surplus of the General Fund no later than June 30, 2003.
Z	Z-1	Transfers \$144,830 from the Office of Consumer Credit Regulation, Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2003 and specifies the intent of the Legislature that this transfer of funds not result in an increase in fees assessed for this purpose.
	Z-2	Transfers \$572,176 from the Bureau of Insurance Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2003 and specifies the intent of the Legislature that this transfer of funds not result in an increase in fees assessed for this purpose.
	Z-3	Transfers \$184,721 from the Bureau of Financial Institutions, Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2003 and specifies the intent of the Legislature that this transfer of funds not result in an increase in fees assessed for this purpose.

Appropriations and Financial Affairs

<u>Part</u>	<u>Section</u>	<u>Description</u>
	Z-4	Transfers \$1,166,916 from the Office of Licensing and Enforcement, Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2003 and specifies the intent of the Legislature that this transfer of funds not result in an increase in fees assessed for this purpose.
	Z-5	Transfers \$306,858 from the Office of Securities, Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2003 and specifies the intent of the Legislature that this transfer of funds not result in an increase in fees assessed for this purpose.
	Z-6	Transfers \$43,860 from the Board of Registration for Professional Engineers, Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2003 and specifies the intent of the Legislature that this transfer of funds not result in an increase in fees assessed for this purpose.
	Z-7	Transfers \$57,589 from the Board of Licensure in Medicine, Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2003 and specifies the intent of the Legislature that this transfer of funds not result in an increase in fees assessed for this purpose.
	Z-8	Transfers \$108,050 from the State Board of Nursing, Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2003 and specifies the intent of the Legislature that this transfer of funds not result in an increase in fees assessed for this purpose.
	Z-9	Requires the Commissioner of Professional and Financial Regulation to review fees assessed under the programs affected by the transfers in this Part and provide a written report identifying any fee changes to the Joint Standing Committee on Appropriations and Financial Affairs, the Joint Standing Committee on Insurance and Financial Services and the Joint Standing Committee on Business, Research and Economic Development by April 15, 2003.
AA	AA-1	Transfers \$325,787 from the Maine Criminal Justice Academy - Tobacco Fines, Other Special Revenue Funds account in the Department of Public Safety to the unappropriated surplus of the General Fund no later than June 30, 2003.
	AA-2	Transfers \$35,800 from the Bureau of Highway Safety - Defensive Driving, Other Special Revenue Funds account in the Department of Public Safety to the unappropriated surplus of the General Fund no later than June 30, 2003.
	AA-3	Transfers \$123,301 from the Emergency Services Communication Bureau - E-911 Fund, Other Special Revenue Funds account in the Department of Public Safety to the unappropriated surplus of the General Fund no later than June 30, 2003.

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<u>Part</u>	<u>Section</u>	<u>Description</u>
BB	BB-1	Transfers \$408,185 from the Consumer Education Fund, Other Special Revenue Funds account in the Public Utilities Commission to the unappropriated surplus of the General Fund no later than June 30, 2003.
	BB-2	Transfers \$600,000 from the Conservation Administration Fund, Other Special Revenue Funds account in the Public Utilities Commission to the unappropriated surplus of the General Fund no later than June 30, 2003.
CC	CC-1	Transfers \$129,714 from the Bureau of Administrative Services and Corporations, Other Special Revenue Funds account in the Department of the Secretary of State to the unappropriated surplus of the General Fund no later than June 30, 2003.
DD	DD-1	Transfers \$207,102 from the Suspense Receivable, Other Special Revenue Funds account in the Department of Transportation to the unappropriated surplus of the General Fund no later than June 30, 2003.
	DD-2	Transfers \$50,000 from the Railroad Assistance, Other Special Revenue Funds account in the Department of Transportation to the unappropriated surplus of the General Fund no later than June 30, 2003.
EE	EE-1	Transfers \$7,271,841 from the unallocated surplus of the Highway Fund to the unappropriated surplus of the General Fund, on or before June 30, 2003, as reimbursement for funds provided for highway improvement projects.
FF	FF-1	Transfers \$500,000 from the Operating Capital of the General Fund to the unappropriated surplus of the General Fund no later than June 30, 2003.
GG	GG1: GG-3	Amends the law to include in the definition of Residential Treatment Facility the Aroostook Residential Center, Elizabeth Levinson Center and Freeport Towne Square, which are state-operated facilities within the Department of Behavioral and Developmental Services. It also makes appropriation and allocation adjustments related to extending the Residential Treatment Facilities assessment to state-operated facilities. It also establishes an application date and retroactive provision.

Public Law 2003, chapter 2 was enacted as an emergency measure effective February 13, 2003.

PUBLIC 20 EMERGENCY	An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005	LD 1319
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Appropriations and Financial Affairs

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRANNIGAN	OTP-AM	H-27
CATHCART		H-46

Public Law 2003, chapter 20 does the following.

<u>Part</u>	<u>Section</u>	<u>Description</u>
A	A-1: A-24	Budget Preamble
	A-25	Appropriations and allocations of funds reflecting Current Services for the 2004-2005 biennium.
B	B-1	Adjusts appropriations and allocations of funds representing reduction proposals or adjustments to Current Services.
C	C-1	Postpones to after June 30, 2005 an increase in the State's contribution for health insurance for retired teachers from 35% to 40%.
	C-2	Establishes Tier 1 and Tier 2 cushions for school administrative units with mills raised for education of 9.97 mills or higher.
	C-3: C-18	Establishes the statewide local share, basic elementary and secondary school operating rates, per pupil guarantees and the statewide factor for General Purpose Aid for Local Schools. Establishes the foundation allocation, subsidy index reduction percentage and appropriation. Establishes the Debt service allocation, indexes, reduction percentage and appropriation and miscellaneous adjustments and cost allocations and appropriations.
	C-19	Transfers \$200,000 in fiscal year 2003-04 and \$300,000 in fiscal year 2005 2004-05 from the General Purpose Aid for Local School account to General Fund unappropriated surplus from savings to be achieved through the standardization of specifications for school construction and renovation including projects that are currently under construction, in planning, or entering the design phase.
D	D-1	Establishes the Department of Administrative and Financial Services as the fiscal agent for the Department of Education.
	D-2:D-4	Requires the calculation and transfer of statewide savings in the General Fund, Highway Fund and Other Special Revenue Fund in the cost of health insurance for fiscal years 2003-04 and 2004-05 that are identified in Part B section 1.
	D-5:D-7	Requires the calculation and transfer of statewide savings in the General Fund, Highway Fund and Other Special Revenue Fund from increased attrition for fiscal years 2003-04 and 2004-05 that are identified in Part B section 1.

Appropriations and Financial Affairs

<u>Part</u>	<u>Section</u>	<u>Description</u>
	D-8:D-10	Requires the calculation and transfer of statewide savings in the General Fund, Highway Fund and Other Special Revenue Fund from extending the amortization schedule of the unfunded liability of the Maine State Retirement System for fiscal years 2003-04 and 2004-05 that are identified in Part B section 1
	D-11:13	Requires calculation and transfer of statewide savings in the General Fund, Highway Fund and Other Special Revenue Fund from postponing merit increases for fiscal years 2003-04 and 2004-05 that are identified in Part B section 1.
	D-14	Authorizes transfers of positions by financial order between accounts and between departments and authorizes transfers of available balances of any General Fund appropriation between line categories, accounts and departments in fiscal year 2003-04 and fiscal year 2004-05. Any incumbent in the transferred position at the time of transfer may be transferred along with the position.
	D-15	Transfers \$600,000 from the Bureau of Alcoholic Beverages, Internal Service Fund in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund no later than June 30, 2004 due the proposed closure of the remaining 13 liquor stores.
	D-16	Requires the calculation and transfer of statewide savings in the General Fund from retiree health insurance savings for fiscal years 2003-04 and 2004-05 that are identified in Part B section 1.
	D-17	Requires the Commissioner of the Department of Administrative and Financial Services to review the current organizational structure of the A.C.E. Service Center and the remaining financial and personnel structures located in the Departments of Conservation, Environmental Protection, and Agriculture to improve organizational efficiency and cost effectiveness. The Commissioner is required to present a plan and legislation to achieve efficiencies and move A.C.E. under the supervision of one Department to the Legislature as a part of any Emergency Budget Request submitted to the Legislature after January 1, 2004.
	D-18	Requires the calculation and transfer of statewide savings in the General Fund from reductions in All Other line category for fiscal years 2003-04 and 2004-05 that are identified in Part B section 1.
	D-19:D-21	Requires the calculation and transfer of statewide savings in the General Fund, Highway Fund and Other Special Revenue Fund from the cost of health insurance related to hospital rate adjustments for fiscal years 2003-04 and 2004-05 that are identified in Part B section 1.
	D-22	Prohibits merit increases between July 1, 2003 and June 30, 2005.

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<u>Part</u>	<u>Section</u>	<u>Description</u>
	D-23	Authorizes financing arrangements for the acquisition of motor vehicles for the Central Motor Pool.
	D-24	Transfers \$100,000 in fiscal year 2003-04 and \$100,000 in fiscal year 2004-05 from the Real Property Lease Fund to the unappropriated surplus of the General Fund no later than June 30 of each fiscal year to reflect savings as a result of the re-negotiation of leases.
	D-25	Transfers \$6,112,290 from the fiscal year 03 unallocated balance of the Fund for a Healthy Maine Other Special Revenue Funds account to the unappropriated surplus of the General Fund by June 30, 2004.
	D-26	Transfers \$225,000 from the Maine Clean Election Fund to the unappropriated surplus of the General Fund by June 30, 2004.
E	E-1	Amends the Maine Meat and Poultry Inspection program to increase the hourly fees charged for inspection of bison, domesticated deer and ratite.
	E-2	Authorizes the Commissioner of Agriculture, Food and Rural Resources to receive reimbursement for livestock and poultry services performed under Title 22, chapter 562-A.
F	F-1	Prohibits cost of living adjustment in legislative salary for the 2nd Regular Session of the 121st Legislature and the 1st Regular Session of the 122nd Legislature.
	F-2:F-3	Changes meeting authorization and staffing for the Legislative Youth Advisory Commission
	F-4:F-5	Eliminates step increases and longevity payments for legislative employees between July 1, 2003 and June 30, 2005.
G	G-1, G-3	Repeals the Aroostook Residential Center effective June 30, 2004.
	G:2	Authorizes the Department of Behavioral and Developmental Services to seek reimbursement of expenditures under Medicaid Title XIX for targeted case management with the revenue to be deposited in the General Fund as undedicated revenue.
I	I-1	Authorizes the Department of Corrections, Maine Correctional Center to increase the rate it charges the Federal Government for the housing of federal inmates. The additional revenue must be deposited to the General Fund as undedicated revenue in fiscal year 2003-04 and 2004-05.
	I-2	Authorizes the Department of Corrections to transfer, by financial order, Personal Services, All Other or Capital Expenditures funding between accounts with the same fund for the purposes of paying overtime expenses in accordance

Appropriations and Financial Affairs

<u>Part</u>	<u>Section</u>	<u>Description</u>
		with Title 5, section 7065.
J	J-1	Amends the law removing the requirement that the Governmental Ethics Commission institute electronic submission of reports and computerized tracking of campaign, election and lobbying information.
K	K-1	Authorizes the Department of Human Services to collect medical care premiums from non-custodial parents of MaineCare children.
	K-2	Updates Medicaid and related third-party liability statutes, including substituting "MaineCare" for "Medicaid" and the "elderly low-cost drug program", and setting a 75% minimum recovery percentage for tort claim recoveries.
	K-3	Changes to improve MaineCare's ability to identify possible third-party payers.
	K-4	Increases the licensing fee for hospitals and nursing homes.
	K-5	Authorizes the Department of Human Services to impose a co-payment or premium if expressly approved by a federal waiver.
	K-6	Modifies MaineCare prescription drug co-payments.
	K-7: K-8	Authorizes MaineCare co-payments for federally qualified health center (FQHC) and rural health center (RHC) services.
	K-9	Authorizes the Department of Human Services to pursue a federal waiver to impose cost sharing on individuals eligible for MaineCare under the Katie Beckett option.
	K-10	Modifies premiums for the MaineCare, "CubCare" program.
	K-11	Modifies federally qualified health center (FQHC) reimbursement requirements to reflect the imposition of co-payments and limits on service approvals.
	K-12	Authorizes the Department of Human Services to require MaineCare members to purchase maintenance drugs by mail order.
	K-13	Authorizes the Department of Human Services to establish co-payments for services under the Maine Eye Care program.
	K-14	Modifies the Department of Human Service's Parents as Scholars program.
	K-15	Requires the Department of Human Services to review MaineCare cost sharing requirements with the Medicaid Advisory Committee and submit a report by February 15, 2005.

Appropriations and Financial Affairs

<u>Part</u>	<u>Section</u>	<u>Description</u>
	K-16	Requires the Departments of Human Services and Behavioral and Developmental Services to continue efforts to resolve the Institute for Mental Disease (IMD) federal funding shortfall.
	K-17	Suspends nursing home inflation adjustment and return on equity capital payments for 2003-04 and 2004-05.
	K-18	Requires the merger of the Department of Human Services and the Department of Behavioral and Developmental Services and the submission of a plan to implement the merger and the submission of implementing legislation to the Second Regular Session of the 121st Legislature.
L	L-1	Permits the Commissioner of Inland Fisheries and Wildlife to adjust annually all license and other fees collected by the department to maintain parity with the Consumer Price Index.
	L-2	Delays the effective date of the fiscal stability program for the Department of Inland Fisheries and Wildlife from fiscal year 2004 to fiscal year 2006.
	L-3	Requires a temporary assessment on all license, registration and other fees collected by the Department of Inland Fisheries and Wildlife for calendar years 2004 and 2005.
	L-4	Authorizes the purchase of more than one 10-chance moose-drawing application by nonresidents from July 1, 2003 to June 30, 2005.
	L-5	Requires the Commissioner of Inland Fisheries and Wildlife to submit a plan to restructure fees to the Joint Standing Committee on Inland Fisheries and Wildlife which is authorized to report out legislation implementing the plan.
M	M-1	Expresses Legislative intent that the Judicial Department increase the amounts for fines under the Maine Revised Statutes, Title 29-A, sections 1601, 1770 and 2074.
N	N-1	Requires a report by the Commissioner of the Department of Corrections regarding recidivism information.
O	O-1: O-3	Repeals payment by the Maine State Library of state aid for municipalities maintaining free public libraries.
P	P-1	Authorizes the Maine State Museum to establish fees for miscellaneous services.
Q	Q-1:Q-2	Renames the Department of Economic and Community Development as the Department of Tourism, Economic and Community Development.
R	R-1:R-2; R-4; R-11:R-12	Repeals the Maine Community Policing Institute Surcharge Fund and amends statutes related to the fund.

Appropriations and Financial Affairs

<u>Part</u>	<u>Section</u>	<u>Description</u>
	R-11:R-12	statutes related to the fund.
	R-3	Increases the Government Operations Surcharge Fund surcharge on fines, forfeitures and penalties from 12% to 14% and changes the allocation paid to the Maine Criminal Justice Academy from one sixth to two - sevenths.
	R-5:R-7	Eliminates the Director of Liquor Enforcement, an Assistant to the Commissioner of Public Safety and the Director Bureau of Highway Safety as major policy influencing positions within the Department of Public Safety.
	R-8	Directs that 1/2 of the fines from tobacco enforcement be directed to the Maine Criminal Justice Academy for training and certification rather than to law enforcement agencies.
	R-9	Authorizes the State Bureau of Identification to charge individuals a fee for a criminal history record check and directs all fees to the General Fund.
	R-10	Repeals the Bureau of Highway Safety.
S	S-1	Transfers \$95,869 in fiscal year 2003-04 and \$53,834 in fiscal year 2004-05 of savings from the Bureau of Elections and Commissions, Administrative Services and Corporations, Other Special Revenue Fund account in the Department of the Secretary of State to the unappropriated surplus of the General Fund.
	S-2	Transfers \$10,000 in each year of the biennium of savings from the Archives, Other Special Revenue Fund account in the Department of the Secretary of State to the unappropriated surplus of the General Fund.
T	T-1:T-33	Amends provisions of law related to the investment of State money, amends the law as it relates to the length of time the State Treasurer is required to hold abandoned property and updates the statutes to reflect recent changes in the laws related to abandoned/unclaimed property.
U	U-1	Directs all state agencies to implement measures to reduce energy consumption within their agencies.
V	V-1	Changes the distribution of the State's share of Real Estate Transfer Tax proceeds by reducing the amount paid to the Maine State Housing Authority by \$7,500,000 in each fiscal year.
	V-2	Directs the Maine State Housing Authority to generate savings to maintain services to homeless persons at \$2,400,000.
W	W-1	Delays the increase from 5.1% to 5.2% in Municipal Revenue Sharing to July 1, 2005.

Appropriations and Financial Affairs

<u>Part</u>	<u>Section</u>	<u>Description</u>
	W-2	Authorizes the State Treasurer to withhold \$1,000,000 in Municipal Revenue Sharing in fiscal year 2004-05 from distribution to be used for incentives for municipalities to achieve administrative savings.
X	X-1: X-6	Delays until FY 06 expansions in the seed capital investment tax credit.
Y	Y-1	Delays until FY 06 an insurance premium tax credit for the Fire Insurance Premium Tax special assessment.
Z	Z-1	Suspends until July 1, 2005 the broadcasters sales tax exemption.
AA	AA-1:AA-3. AA-6	Requires the withholding of income tax on distributions to nonresidents by flow through entities.
	AA-4:AA-5	Establishes the 2003 Maine Tax Amnesty Program
BB	BB-1:BB-3	Reduces the exemption amount for the Homestead Property Tax Exemption Program for homesteads with a just value of \$125,000 or more.
CC	CC-1:CC-3	Amends the insurance premium tax to clarify the coverage of contracts that may result in future annuitization.
DD	DD-1:DD-6	Postpones by one year the educational attainment investment credit and the recruitment credit available under the insurance premiums tax and individual and corporate income taxes.
EE	EE-1:EE-4	Extends the period for recapturing the bonus depreciation add-back provision.
FF	FF-1	Reduces the child and dependent care income tax credit rate to 21.5% of the federal credit for tax years beginning in 2003, 2004 and 2005.
GG	GG-1:	Reduces the earned income tax credit rate to 4.92% of the federal credit for tax years beginning in 2003, 2004 and 2005.
HH	HH-1	Suspends the increase in the income tax standard deduction for joint filers for tax years beginning in 2005.
II	II-1:II-4	Delays the allowance for several above the line deductions for education expenses and subsidies.
JJ	JJ-1:JJ-4	Delays recognition of federal estate tax changes for deaths occurring in 2003 and 2004.
KK	KK-1	Transfers \$5,000,000 in fiscal year 2003-04 and \$3,000,000 in fiscal year 2004-05 from the unallocated surplus of the Highway Fund to the unappropriated surplus of the General Fund as reimbursement for funds provided for highway improvement projects.

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<u>Part</u>	<u>Section</u>	<u>Description</u>
LL	LL-1:LL-4	Authorizes the Commissioner of the Department of Administrative and Financial Services to offer special voluntary employee incentive programs.
MM	MM-1	Requires the transfer of \$150,000 in Maine Learning Technology Endowment investment earnings as miscellaneous income to the General Fund.
NN	NN-1	Extends the Retirement Unfunded Liability amortization schedule to the Constitutional limit until July 1, 2005 when it is restored to the current schedule.
OO	OO-1:OO-2	Requires the transition of the Maine Technical College System into the Maine Community College System.
	OO-3	Appropriates and allocates funds to facilitate the creation of the Maine Community College System and to provide public matching funds to secure scholarship assistance or limit in-state tuition increases.
PP	PP-1: PP-3	Amends the current provisions by authorizing the Maine Governmental Facilities Authority to issue additional securities totaling \$7,485,000 for capital repairs and improvements at various state facilities.
QQ	QQ-1	Authorizes the Commissioner of the Department of Administrative and Financial Services to issue one or more additional instant ticket lottery games.
RR	RR-1:RR-7; RR-13:RR-17	Repeals provisions of the law relating to the Maine Science and Technology Foundation and transfers the functions to the Department of Economic and Community Development and makes adjustments to appropriations and allocations.
	RR-8:RR-12	Transfers the functions of the Energy Conservation Division of the Department of Economic and Community Development to the Public Utilities Commission.
SS	SS-1: SS-3	Requires the closure of the remaining 13 state retail liquor stores and amends certain statutes in anticipation of the transfer of the State's wholesale liquor activities.
TT	TT-1	Changes the name of the "Maine Learning Technology Endowment" to the "Maine Learning Technology Fund."
UU	UU-1	Presents a comprehensive list of tax expenditures for the consideration of the Legislature.
VV	VV-1:VV-27	Requires parity coverage for mental illnesses for all health benefit plans covering groups of 21 or more and expands the coverage of mental illness to include 11 categories of mental illness as defined in the Diagnostic and Statistical Manual of Mental Disorders.

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<u>Part</u>	<u>Section</u>	<u>Description</u>
WW	WW-1:WW-27	Increases various commercial fishing license fees.
	WW-28	Increases the amount of the Mahogany Quahog Tax apportioned annually to the Toxin Monitoring Fund to \$56,000.
XX	XX-1:XX-2	Provides for statewide deappropriation of \$24,330,049 in fiscal year 2003-04 and \$23,933,097 in fiscal year 2004-05.
YY	YY-1	Requires the Commissioner of the Department of Administrative and Financial Services to submit legislation to the 1st Regular Session of the 121st Legislature to establish a budget reserve and stabilization Fund.
ZZ	ZZ-1	Adjusts appropriations and allocations for several initiatives that are contingent upon federal approval
AAA	AAA-1:AAA-5	Transfers \$13,570,000 in fiscal year 2003-04 and \$9,600,000 in fiscal year 2004-05 from the Highway Fund to the Local Government Fund to be distributed to certain municipalities with substantial highway maintenance budgets through the state-municipal revenue sharing program. An amount equal to the transfers from the Highway Fund to the Local Government Fund is transferred from the Local Government Fund to the General Fund.
BBB	BBB-1	Requires the Department of Behavioral and Developmental Services to work closely with residents, family, staff and other support personnel in developing a placement plan for the residents of the Aroostook Residential Center. The department is required to develop and implement a process whereby the input of residents, family, staff and other support personnel is taken into account before any placement decision is made. This part also requires that all residents be placed in the Presque Isle region. It also includes a report requirement.
CCC	CCC-1	Requires the Department of Human Services and the Department of Behavioral and Developmental Services to apply for a Medicaid Waiver to make respite services a Medicaid reimbursable service. Any General Fund savings generated in the Mental Health Services – Children program as a result of increased federal Medicaid funding for respite must be distributed proportionately across the categories of services funded by the Mental Health Services – Children program and may not be used solely for increased respite services. It also includes a report requirement.
DDD	DDD-1	Clarifies the Legislative intent that the University of Maine System be included in the definition of definition of higher education institution as it relates to borrowing by the Maine Health and Higher Education Facilities Authority.

Appropriations and Financial Affairs

<u>Part</u>	<u>Section</u>	<u>Description</u>
	DDD-2	Repeals the provision of law that requires that, by June 30, 2006 and every fiscal year thereafter, the University of Maine School of Law's share of the annual operating budget that is supported by the State's General Fund be equivalent to the share of the University of Maine's annual operating budget that is supported by the State's General Fund.
EEE	EEE-1	Directs the child welfare ombudsman program to have as its first priority case specific advocacy services and to undertake work on systems improvements and advocacy only as an adjunct to the case specific advocacy services. This Part also terminates the current ombudsman contract on June 30, 2003 and requires a request for proposal process for a contract from July 1, 2003 to June 30, 2004. It also requires consideration of the organization structure of the ombudsman program in the restructuring of the Department of Behavioral and Developmental Services and the Department of Human Services.
	EEE-2	Clarifies that the delays in the child welfare 2002 initiative contained in Part B apply only to the applicable expenditures.
FFF	FFF-1	Authorizes the Commissioner of the Department of Administrative and Financial Services and any insurance company or third party administrator insuring or administering the State Employee Health Plan to negotiate agreements with hospitals to reduce expenses incurred the State's plan.
GGG	GGG-1: GGG-6	Makes adjustments to the Elderly low-cost drug program statute to provide benefits within existing resources by increasing the co-payment for drugs by \$2 and requiring mail order for prescriptions that have more than a 14 day supply.
HHH	HHH-1	Authorizes the Department of Human Services to pursue further third party insurance claims for behavioral health services.
III	III-1	Requires the Department of Human Services to make every effort to maximize enrollment of homeless youth in the MaineCare program.
JJJ	JJJ-1	Requires the Chief of the Maine State Police to report to the Joint Standing Committee on Criminal Justice and Public Safety and the Joint Standing Committee on Appropriations and Financial Affairs no later than November 1, 2004 on the fee schedule established for criminal history record background checks.
KKK	KKK-1: KKK-2	Authorizes the Department of Administration and Financial Services to work with the Maine State Housing Authority to sell or transfer ownership of certain parcels of surplus state-owned land, along with any building on the land, to municipalities or non-profit agencies in order to address a shortage of affordable housing.
LLL	LLL-1: LLL-3	Authorizes the Commissioner of Administration and Financial Services to contract for the sale, franchise, license or lease of the State's wholesale liquor activities to a private entity.

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<u>Part</u>	<u>Section</u>	<u>Description</u>
MMM	MMM-1	Transfers \$50,000 annually in fiscal years 2003-04 and 2004-05 from the Division of Forest Protection General Fund to the unappropriated surplus of the General Fund
	MMM-2	Transfers \$100,000 annually in fiscal years 2003-04 and 2004-05 from the Boating Facilities Fund Other Special Revenue Funds program in the Department of Conservation to the unappropriated surplus of the General Fund
	MMM-3	Transfers \$25,000 annually in fiscal years 2003-04 and 2004-05 from the Shore and Harbor Management Fund Other Special Revenue Funds program in the Department of Conservation to the unappropriated surplus of the General Fund

Public Law 2003, chapter 20 was enacted as an emergency measure effective July 1, 2003, unless a provision indicates otherwise.

PUBLIC 50	An Act To Authorize a General Fund Bond Issue in the Amount of \$60,000,000 for Municipal Facilities and for Investments in Research, Development, Farming and Affordable Housing in Order To Sustain and Improve Maine's Economy	LD 1566
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON, J	OTP-AM MAJ	H-140
TURNER	ONTP MIN	H-148

Public Law 2003, chapter 50 authorizes, subject to voter approval, General Fund general obligation bonds totaling \$60,000,000 for the following purposes:

1. The sum of \$6,000,000 to create jobs and reduce property tax burdens by providing grants and loans to municipalities for public facilities and infrastructure.
2. The sum of \$6,000,000 to create jobs and stimulate economic growth through expanded research, development, technology commercialization and business incubation facilities at the Advanced Engineered Wood Composites Center at the University of Maine.
3. The sum of \$3,000,000 to support educational technology improvements at the University of Maine System.
4. The sum of \$3,600,000 in anticipation of \$12,000,000 in federal and private funding for University of Maine System research and development activities.
5. The sum of \$4,400,000 to expand and equip research and development facilities at the Portland campus of the University of Southern Maine.
6. The sum of \$1,000,000 in anticipation of \$1,000,000 in federal and private funding for grants to nonprofit marine institutions for research and development.

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7. The sum of \$20,000,000 for medical research and development by Maine-based biomedical research institutions in order to obtain matching federal funds for health research to cure disease and to retain Maine graduates by providing quality Maine jobs.
8. The sum of \$2,000,000 to support the State's applied technology development centers;
9. The sum of \$3,000,000 to create jobs and stimulate economic growth through the design and construction of the Gulf of Maine Research Laboratory;
10. The sum of \$2,000,000 to support the Maine Farms for the Future Program;
11. The sum of \$1,000,000 to support funding for the University of Maine agricultural research farms; and
12. The sum of \$8,000,000 in anticipation of \$21,150,000 in federal and private funds for affordable housing.

Public Law 2003, chapter 50 also requires the Maine Biomedical Research Board to report each biennium to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and business, research and economic development matters on the status of the Maine Biomedical Research Fund, detailed information on the distribution of the funds to eligible institutions, including the amount of funds each institution receives and a breakdown and explanation of all funding from specified grant sources for biomedical research, listing each specific source of funding and its use and the number of new jobs created in the State and the location of those jobs.

The referendum authorizing these bonds was approved by the voters on June 10, 2003.

PUBLIC 51 EMERGENCY

An Act To Make Additional Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2003, June 30, 2004 and June 30, 2005

LD 1574

<u>Sponsor(s)</u> BRANNIGAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-135
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Public Law 2003, chapter 51 does the following:

<u>Part</u>	<u>Section</u>	<u>Description</u>
B	B-1	Lapses \$586,403 from the General Fund Salary Plan account in the Department of Administrative and Financial Services to the General Fund in fiscal year 2002-03.
	B-2	Authorizes the Governor to transfer by financial order positions authorized by the Legislature between accounts and between departments and the authority to transfer the available balances of any General Fund appropriation between line categories, accounts and departments in fiscal year 2002-03.

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<u>Part</u>	<u>Section</u>	<u>Description</u>
	B-3	Authorizes the State Controller to transfer \$407,117 from the Risk Management - Claims, Internal Services Fund account in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund in fiscal year 2002-03.
C	C-1: C-2	Amends current law to facilitate the closure of the remaining 13 state liquor stores.
D		Provides for \$45,685 of encumbered balance in the Atlantic Salmon Commission, General Fund account to be disencumbered and lapse to the General Fund in fiscal year 2002-03.
E	E-1	Authorizes the State Controller to transfer \$90,000 from the Mental Retardation Services - Community, Other Special Revenue Funds account in the Department of Behavioral and Developmental Services to the unappropriated surplus of the General Fund in fiscal year 2002-03.
	E-2	Authorizes the State Controller to transfer \$160,000 from the Mental Health Services - Community, Other Special Revenue Funds account in the Department of Behavioral and Developmental Services to the unappropriated surplus of the General Fund in fiscal year 2002-03.
	E-3	Authorizes the State Controller to transfer \$400,000 from the Mental Health Services - Children - Maximus, Other Special Revenue Funds account in the Department of Behavioral and Developmental Services to the unappropriated surplus of the General Fund in fiscal year 2002-03.
	E-4	Disencumbers and lapses \$110,494 of encumbered balance in the Mental Health Services - Community, General Fund account in the Department of Behavioral and Developmental Services to the General Fund in fiscal year 2002-03.
	E-5	Disencumbers and lapses \$43,106 of encumbered balance in the Mental Health Services - Children, General Fund account in the Department of Behavioral and Developmental Services to the General Fund in fiscal year 2002-03.
	E-6	Disencumbers and lapses \$28,823 of encumbered balance in the Mental Retardation Services - Community, General Fund account in the Department of Behavioral and Developmental Services to the General Fund in fiscal year 2002-03.
	E-7	Disencumbers and lapses \$31,700 of encumbered balance in the Office of Substance Abuse, General Fund account in the Department of Behavioral and Developmental Services to the General Fund in fiscal year 2002-03.
F	F-1	Authorizes the State Controller to transfer \$48,052 from the Maine Emergency Management Agency - Emergency Operations, Other Special Revenue Funds account in the Department of Defense, Veterans and Emergency Management to the unappropriated surplus of the General Fund in fiscal year 2002-03.
G	G-1	Lapses \$600,000 in unencumbered balances in the General Purpose Aid for Local Schools, General Fund account in the Department of Education to the General Fund in fiscal year 2002-03.

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<u>Part</u>	<u>Section</u>	<u>Description</u>
H	H-1	Modifies language implementing the health care provider tax under Public Law 2001, chapter 714 by requiring that the Commissioner of Human Services issue rules ensuring the tax is implemented in a manner that conforms to applicable federal regulations.
	H-2	Authorizes the State Controller to transfer \$100,000 from the Public Health Laboratory, Other Special Revenue Funds account in the Department of Human Services to the unappropriated surplus of the General Fund in fiscal year 2002-03.
	H-3	Authorizes the State Controller to transfer \$100,000 from the Control Over Plumbing, Other Special Revenue Funds account in the Department of Human Services to the unappropriated surplus of the General Fund in fiscal year 2002-03.
	H-4	Lapses \$150,000 of unencumbered balances in the State Supplement to Federal Supplemental Security Income, General Fund account in the Department of Human Services to lapse to the General Fund in fiscal year 2002-03.
	H-5	Authorizes \$300,000 allocated to the Long-Term Care - Human Services, Other Special Revenue Funds account to be used to maintain services on a one-time basis for current home-based care program consumers.
	H-6	Requires the State Controller to implement a modified accrual method of accounting for revenue collected by the Department of Human Services from child welfare targeted case management to ensure that 12 months of revenue is credited as undedicated General Fund revenue based on 12 months of activity for which the billing is based.
	H-7	Requires the Commissioner of the Department of Administrative and Financial Services to establish annually the amount that must be transferred from the City of Portland as the intergovernmental transfer. It further requires the City of Portland to transfer \$1,000,000 in fiscal year 2002-03, \$2,000,000 in fiscal year 2003-04 and \$2,000,000 in fiscal year 2004-05 to the State as undedicated General Fund revenue.
	H-8	Authorizes the Commissioner of the Department of Human Services to implement measures necessary to generate savings in the Child Welfare Services program in fiscal year 2002-03 by taking certain action that will transfer expenses to MaineCare. This expenditure transfer may be accomplished by journal voucher with the approval of the State Controller.
I	I-1	Authorizes the State Controller to transfer \$1,351 from the Human Rights Commission, Other Special Revenue Funds account to the unappropriated surplus of the General Fund in fiscal year 2002-03.
J	J-1	Disencumbers and lapses \$14,685 of encumbered balances in the Supreme, Judicial and Superior Courts, General Fund account in the Judicial Department to the General Fund in fiscal year 2002-03.

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<u>Part</u>	<u>Section</u>	<u>Description</u>
K	K-1	Authorizes the State Controller to transfer \$25,260 from the Employment Services Activity, Other Special Revenue Funds account in the Department of Labor to the unappropriated surplus of the General Fund in fiscal year 2002-03.
	K-2	Authorizes the State Controller to transfer \$18,500 from the Blind and Visually Impaired, Other Special Revenue Funds account in the Department of Labor to the unappropriated surplus of the General Fund in fiscal year 2002-03.
L	L-1	Authorizes the Commissioner of the Department of Public Safety to adjust the fee schedule for criminal history record checks effective May 1, 2003.
M	M-1	Authorizes \$100,000 in the Administrative Services and Corporations, General Fund account in the Department of the Secretary of State to carry forward to fiscal year 2003-04 to be used for the same purposes.

Public Law 2003, chapter 51 was enacted as an emergency measure effective April 18, 2003.

PUBLIC 451 EMERGENCY	An Act To Make Additional Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2003, June 30, 2004 and June 30, 2005	LD 1614
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<u>Sponsor(s)</u> BRANNIGAN CATHCART	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-560
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Public Law 2003, chapter 451 does the following:

<u>Part</u>	<u>Section</u>	<u>Description</u>
A	A-1	Makes supplemental appropriations and allocations for fiscal years 2003-04 and 2004-05.
B	B-1	Makes supplemental appropriations and allocations in fiscal years 2003-04 and 2004-05 for approved reclassifications and range changes.
C	C-1	Adjusts appropriations and allocations to achieve General Fund savings.
D	D-1	Adjusts appropriations and allocations in fiscal year 2002-03.
E	E-1:E-5; E-8	Repeals provisions of the law that delayed the increase in the seed capital investment tax credit.
	E-6:E-7	Repeals provisions of the law that delayed conformity with the federal tax code as it relates to income from school construction bonds and exempt facility bonds used to provide qualified public educational facilities.

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<u>Part</u>	<u>Section</u>	<u>Description</u>
	E-9	Amends the law to specify that the 2003 Maine Tax Amnesty Program applies to tax liabilities delinquent as of August 31, 2003.
	E-10	Amends the law to extend the filing period for the 2003 Maine Tax Amnesty Program by one month.
	E-11	Authorizes the Department of Administrative and Financial Services to be reimbursed from the Salary Plan program for the costs of contract resolution, administration, implementation and other costs required by the process of collective bargaining and negotiation procedures.
	E-12	Provides for the calculation and transfer of statewide savings in the General Fund in the cost of dental insurance for fiscal year 2004-05 that are identified in Part C, section 1.
	E-13	Transfers \$400,000 from the Bureau of Alcoholic Beverages Internal Service Fund account in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund no later than June 30, 2005. It returns the working capital advance no longer required due to the proposed closure of the remaining 13 state liquor stores.
	E-14	Authorizes the Commissioner of the Department of Administrative and Financial Services to advance the schedule of issuance of one or more additional instant ticket lottery games.
	E-15	Transfers \$57,500 annually in fiscal years 2003-04 and 2004-05 from the Real Property Lease Internal Service Fund account to the unappropriated surplus of the General Fund no later than June 30th of each fiscal year to reflect savings as a result of the renegotiation of leases.
	E-16	Authorizes the Commissioner of the Department of Administrative and Financial Services to offer a retirement incentive program to employees who are eligible to retire and who have reached their normal retirement age.
	E-17	Provides lease-purchase authorization for the acquisition of motor vehicles for the Maine State Police.
	E-18	Authorizes the Commissioner of the Department of Administrative and Financial Services to submit legislation to the Second Regular Session of the 121st Legislature to address restructuring of State Government agencies, consolidation of services and other efficiencies in order to achieve cost savings.
	E-19	Authorizes the judicial branch of government to replace savings achieved as a result of merit increases not being awarded with other Personal Services by agreement of the State and the bargaining agents representing

Appropriations and Financial Affairs

<u>Part</u>	<u>Section</u>	<u>Description</u>
		Services by agreement of the State and the bargaining agents representing state employees.
	E-20	Lapses \$150,000 from the General Fund Salary Plan account in the Department of Administrative and Financial Services to General Fund unappropriated surplus in fiscal year 2003-04.
F	F-1	Establishes internal control standards for all state agencies and departments.
	F-2	Provides that legislatively created public instrumentalities and related organizations for which the State is financially accountable or that have a significant relationship with the State must comply with fiscal reporting policies established by the State Controller if not already doing so. Also specifies that those public instrumentalities and related organizations that must comply with OMB Budget Circulars or other accounting, auditing and reporting requirements may submit that information to the State Controller to satisfy these requirements.
	F-3	Establishes June 30, 2004 as the date by which agencies and departments must be in compliance with the internal control standards.
	F-4	Provides lease-purchase authorization for the Bureau of Information Services to acquire hardware, software and systems to support the operations of state government.
G	G-1	Amends the law to require that funds received in reimbursement in the meat and poultry inspection program be credited to the General Fund
H	H-1:H-3	Provides funds to delay for one year the \$3 per patient day copay for federally qualified health center (FQHC) MaineCare services that was authorized in PL 2003, c. 20.
I	I-1	Transfers \$29,096 in fiscal year 2003-04 and \$28,306 in fiscal year 2004-05 from the Statewide Single Audit - Set Aside, Other Special Revenue Funds account in the Department of Audit to the unappropriated surplus of the General Fund.
J	J-1	Requires the Department of Behavioral and Developmental Services to seek reimbursement of expenditures under Medicaid Title XIX for targeted case management and deposit \$400,000 annually as undedicated General Fund revenue.
	J-2	Requires the Department of Behavioral and Developmental Services to deposit \$2,483,117 in the General Fund in fiscal year 2003-04 from funds received from audit recoveries and contract settlements with providers.

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<u>Part</u>	<u>Section</u>	<u>Description</u>
	J-3	Authorizes the Department of Behavioral and Developmental Services by financial order to transfer up to 8 vacant positions and existing funding from General Fund appropriations to establish 8 Mental Health and Mental Retardation Caseworker positions.
	J-4	Provides \$800,000 in fiscal year 2003-04 to partially restore funding for children's mental health services.
K	K-1	Amends provisions of the law relating to the accreditation of state correctional institutions.
	K-2	Creates the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners.
	K-3	Appropriates funds to support the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners.
L	L-1:L-3	Repeals the provisions of law that renamed the Department of Economic and Community Development.
M	M-1	Amends a provision of law to allow for the implementation of merit increases in fiscal year 2004-05.
	M-2	Repeals that portion of Public Law 2003, chapter 20 that provided for statewide deappropriations of \$24,330,049 in fiscal year 2003-04 and \$23,933,097 in fiscal year 2004-05 to offset a downward revenue reprojected.
N	N-1	Establishes the Blaine House Renovations and Repairs Fund in the Executive Department.
	N-2	Lapses \$4,094 of unencumbered balance forward to the General Fund in fiscal year 2003-04 in the Planning Office - Smart Growth Initiative General Fund account in the Executive Department.
	N-3	Lapses \$47,441 of unencumbered balance forward to the General Fund in fiscal year 2003-04 in the Land for Maine's Future General Fund account in the Executive Department.
O	O-1:O-3	Amends the law to expand the Occupational Safety Loan Program to allow interest rate subsidies to businesses receiving loans for workplace safety improvements.
	O-4	Transfers \$401,209 from the Occupational Safety Loan Program in the Finance Authority of Maine to the unappropriated surplus of the General Fund in fiscal year 2003-04.

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<u>Part</u>	<u>Section</u>	<u>Description</u>
P	P-1	Authorizes the Department of Human Services to create a preferred drug list for the Low-cost Drugs for Maine's Elderly program.
	P-2	Repeals a mail order prescription drug provision that was contained in PL 2003, c. 20.
	P-3;P-6	Establishes the Youth in Need of Services Program within the Department of Human Services and requires that all funding be distributed equally among the Bangor, Lewiston and Portland programs.
	P-4	Amends PL 2003, c. 51, Part H to specify that the intergovernmental transfer from the City of Portland must be at least \$2,492,618 in fiscal year 2003-04 and \$2,544,709 in fiscal year 2004-05.
	P-5	Requires that municipally-funded hospitals in Dover-Foxcroft and Caribou transfer a combined total of \$2,590,000 in fiscal year 2003-04 and \$2,630,000 in fiscal year 2004-05 to the State as undedicated General Fund revenue through an intergovernmental transfer.
	P-7	Requires the Department of Human Services to deposit \$1,134,035 of reimbursements under Title XXI of the United States Social Security Act in the General Fund in fiscal year 2002-03.
	P-8	Requires emergency rule making to adopt MaineCare hospital payment standards.
	P-9	Lapses \$100,000 of encumbered balance forward in the Bureau of Medical Services, General Fund account in the Department of Human Services to the General Fund in fiscal year 2002-03.
	P-10	Disencumbers and lapses \$500,000 of encumbered balances carried forward in the Department of Human Services accounts to the General Fund in fiscal year 2002-03.
	P-11	Requires the Department of Human Services to seek reimbursement of expenditures under Medicaid Title XIX for targeted case management and deposit \$579,638 annually as undedicated General Fund revenue.
Q	Q-1	Transfers \$100,000 annually from the Safety Education and Training Fund, Other Special Revenue Funds account in the Department of Labor to the unappropriated surplus of the General Fund in fiscal years 2003-04 and 2004-05.
	Q-2	Transfers \$100,000 annually from the Blind and Visually Impaired, Other Special Revenue Funds account in the Department of Labor to the unappropriated surplus of the General Fund in fiscal years 2003-04 and 2004-05.

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<u>Part</u>	<u>Section</u>	<u>Description</u>
R	R-1	Amends the law to allow for the implementation of merit increases in fiscal year 2004-05 for the legislative branch.
	R-2	Lapses \$13,032 from the Commission on Interstate Cooperation account in the Legislature to the General Fund in fiscal year 2003-04.
	R-3	Lapses \$8,833 from the Commission on Uniform State Laws account in the Legislature to the General Fund in fiscal year 2003-04.
	R-4	Lapses \$215,000 from the Legislative General Fund account to the General Fund in fiscal year 2003-04.
	R-5	Lapses \$17,223 from the Office of Program Evaluation and Government Accountability account to the General Fund in fiscal year 2003-04.
S	S-1	Amends the law relating to the type of organizations the Department of Public Safety, State Bureau of Identification may charge fees for criminal history record checks.
	S-2	Authorizes the Commissioner of Public Safety to increase the number of speed enforcement details using aircraft.
T	T-1:T-16	Amends the law to provide for the transition of functions previously performed by the Bureau of Liquor Enforcement in the Department of Public Safety.
U	U-1	Establishes the Help America Vote Act of 2002 Other Special Revenue Funds account in the Department of the Secretary of State as a nonlapsing account and dedicates all interest earned on fund balances to the fund.
	U-2	Authorizes the State Controller to transfer \$100,000 of unencumbered balance forward in fiscal year 2003-04 in the Bureau of Corporations, Elections and Commissions, General Fund account in the Department of the Secretary of State, to the Help America Vote Act of 2002, Other Special Revenue Funds account.
	U-3	Establishes the Help America Vote Act of 2002 Federal Expenditures Fund account in the Department of the Secretary of State and allows all interest earned on funds in the account to accrue to the account.
V	V-1	Amends the law to extend the temporary terms of the Acting Commissioner of the Department of Behavioral and Developmental Services, the Acting Commissioner of the Department of Human Services and the Acting Commissioner of the Department of Economic and Community Development.
W	W-1:	Requires the Department of Human Services to continue to fund the 5 Healthy Community Coalitions funded under the Bureau of Health sustainability grant program through fiscal year 2003-04.

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<u>Part</u>	<u>Section</u>	<u>Description</u>
X	X-1:X-6;X-9: X-13	Changes the name of the Maine Rainy Day Fund to the Maine Budget Stabilization Fund and increases the amount of the limit from 6% of General Fund revenue of the immediately preceding fiscal year to 10%.
	X-7:X-8	Places restrictions on the amount of General Fund appropriations that may be requested by state department and agencies and on the amount of the total General Fund budget to be submitted by the Governor. The Governor may exceed the limit if exceptional circumstances exist.
	X-14	Requires the Joint Standing Committee on Appropriations and Financial Affairs to review the need for and funding of special purpose funds, including, but not limited to, a capital improvement fund.
Y	Y-1	Amends Department of Human Services Fund for a Healthy Maine allocations and University of Maine System Other Special Revenue Funds allocations in Public Law 2003, chapter 20, Part A.
Z	Z-1	Authorizes the Chancellor of the University of Maine System and any insurance company or 3rd-party administrator insuring or administering the university employee health insurance program to negotiate agreements with hospitals to reduce expenses incurred by the university's plan.
AA	AA-1	Provides a sales tax exemption for nonprofit organizations that provide food and lodging for family members of patients in hospitals. (see LD 154 and LD 583 as amended by Committee Amendment "A")
BB	BB-1	Transfers \$180,000 from the IV-D Cooperative Agreement, Other Special Revenue Funds account in the Judicial Department to the General Fund in fiscal year 2003-04.
CC	CC-1	Authorizes the Bureau of Resource Management, General Fund account in the Department of Marine Resources to carry forward \$90,000 in All Other funds to fiscal year 2003-04 to be used for the purposes originally intended.
	CC-2	Authorizes the Bureau of Marine Patrol, General Fund account in the Department of Marine Resources to carry forward \$58,000 in Capital Expenditures to fiscal year 2003-04 to be used for the purposes originally intended.
	CC-3	Authorizes the Division of Community Resource Development, General Fund account in the Department of Marine Resources to carry forward \$8,000 in All Other funds to fiscal year 2003-04 to be used for the purposes originally intended.

Appropriations and Financial Affairs

<u>Part</u>	<u>Section</u>	<u>Description</u>
	CC-4	Authorizes the Division of Administrative Services, General Fund account in the Department of Marine Resources to carry forward \$80,000 in All Other funds and \$59,908 in Capital Expenditures funds to fiscal year 2003-04 to be used for the purposes originally intended.
DD	DD-1	Limits investments in repurchase agreements to maturities of 12 months or less. It removes the 36 month maturity limit for the collateral repurchase agreements. It also limits state investment in "no load" funds to those investment companies that comply with Rule 2a-7 guidelines.
EE	EE-1	Authorizes the Governor to accept public assistance grant funds from the Federal Government for the Federal Emergency Management Agency's disaster declaration concerning 10 Maine counties and related to extreme winter conditions.
FF	FF-1	Transfers \$12,500 annually in fiscal years 2003-04 and 2004-05 from the Hazardous Waste Fund Other Special Revenue Funds account in the Department of Environmental Protection to the General Fund.
	FF-2	Transfers \$17,995 annually in fiscal years 2003-04 and 2004-05 from the Groundwater Oil Clean-up Fund Other Special Revenue Funds account in the Department of Environmental Protection to the General Fund.
	FF-3	Transfers \$59,877 in fiscal year 2003-04 and \$58,049 in fiscal year 2004-05 from the Maine Environmental Protection Fund Other Special Revenue Funds account in the Department of Environmental Protection to the General Fund.
	FF-4	Transfers \$2,500 annually in fiscal years 2003-04 and 2004-05 from the State Revolving Fund Other Special Revenue Funds account in the Department of Environmental Protection to the General Fund.
GG	GG-1:GG-3	Amends certain retirement provisions concerning the liquor inspector or chief inspector positions laid off pursuant to public law.
HH	HH-1:HH-2	Expands the 6-year statute of limitations on assessments under the tax laws to remove the requirement that the liability be attributable to information not reported by the taxpayer and to change the standard for determining the 50% threshold.
II	II-1:II-2	Delays conformity with the federal tax code with regard to the deduction of interest paid on certain student loans after 60 months after the start of the loan repayment period.

Appropriations and Financial Affairs

<u>Part</u>	<u>Section</u>	<u>Description</u>
JJ	JJ-1:JJ-6	Delays the first year of availability of the credits under the income tax and the insurance premium tax for contributions to qualified scholarship organizations and for certain employer payments of student loans of employees.
KK	KK-1	Repeals a delay in federal tax conformity for the deduction of interest earned and distributed from section 529 qualified tuition programs other than the section 529 program authorized by Maine law.
LL	LL-1	Adjusts appropriations and allocations related to the Maine Space Grant Consortium.
MM	MM-1	Transfers \$300,000 from the Fund for a Healthy Maine to the General Fund in fiscal year 2003-04.
NN	NN-1	Raises the tax-exempt borrowing authority of the University of Maine System from \$150,000,000 to \$170,000,000.
OO	OO-1	Increases the State's contribution for retired teachers' health insurance from 35% to 40% effective August 1, 2003.
PP	PP-1	Transfers \$50,000 each year in fiscal years 2003-04 and 2004-05 from the Job Retention Program Other Special Revenue Funds account to the Administration - Economic and Community Development Other Special Revenue Funds account to provide funds to the Millinocket Area Growth and Investment Council for economic development in the Katahdin region.
QQ	QQ-1	Requires the Department of Human Services to receive authorization from the Legislature before reducing TANF and Parents as Scholars benefit levels during the 2004-2005 biennium.
RR	RR-1	Clarifies that \$450,000 of funds allocated from the Fund for a Healthy Maine to the FHM - Medical Care account must be used by the Department of Human Services to purchase vaccines for adults and other purposes as defined in PL 1999, c. 731, Pt. UU.
SS	SS-1	Establishes an assessment to be levied on those towns and plantations within the Land Use Regulation Commission's jurisdiction that elect not to administer land use controls. The assessment is equal to 0.01% of the most recent equalized state valuation for each town and plantation.
	SS-2	Appropriates funds for one Environmental Specialist II position for the Land Use Regulation Commission.
TT	TT-1:TT-2	Establishes the Epinephrine Training Fund as an Other Special Revenue funds account within the Department of Public Safety that may accept private and public contributions and provides a base allocation to authorize expenditures of these private and public contributions.

Appropriations and Financial Affairs

<u>Part</u>	<u>Section</u>	<u>Description</u>
UU	UU-1	Establishes the Maine Economic Improvement Fund as a separate program with the University of Maine System and transfers funds from the Educational and General Activities - UMS program.
VV	VV-1	Requires the Department of Human Services to implement rulemaking to cap the monthly hours of housekeeping assistance for Level 1 consumers in its Home Based Care program with the savings to be used to serve individuals on the Home Based Care waiting list.
WW	WW-1	Amends the provisions of PL 2003, c. 20 that related to the suspension of merit increases funded by the General Fund and Other Special Revenue Funds to account for adjustments to appropriations and allocations made in this bill.
XX	XX-1:XX-4	Clarifies that any savings measures implemented by the Department of Human Services in fiscal year 2003-04 that change retail pharmacy dispensing fees or pharmaceutical reimbursement are temporary in nature and remain in effect only until a permanent savings measure or measures can be implemented.
YY	YY-1:YY-3	Authorizes the Maine Government Facilities Authority to issue securities in an amount of \$1,750,000 for architectural and engineering studies for courthouse facilities and for replacements of or improvements to technology-related projects at the Judicial Branch Violations Bureau and also adjusts appropriations within the Judicial Department to provide for the debt service costs.
ZZ	ZZ-1:ZZ-2	Partially restores funding of MaineCare adult transportation services through transfers from department wide savings within the Department of Human Services.
AAA	AAA-1	Restores \$5,575,000 of General Fund reductions from children's mental health services in fiscal year 2003-04 to bring service funding back up to the fiscal year 2002-03 level.
BBB	BBB-1	Provides \$1,000,000 to the University of Maine System to reduce in-state tuition in fiscal year 2003-04.
CCC	CCC-1:CCC-2	Provides funds to postpone for one year the increase in MaineCare premiums established in PL 2003, c. 20 for children in families with income levels between 151% and 200% of the federal poverty level.
DDD	DDD-1	Provides funds for merit increases in fiscal year 2004-05 for the Maine Community College System.

Appropriations and Financial Affairs

<u>Part</u>	<u>Section</u>	<u>Description</u>
EEE	EEE-1	Restores the headcount for 6 Assistant District Attorney positions eliminated in PL 2003, c. 20 and adjusts funding within the Department of the Attorney General.
FFF	FFF-1	Makes adjustments to fiscal year 2002-03 allocations from the Fund for a Healthy Maine for collective bargaining costs.
GGG	GGG-1	Adjusts allocations of Other Special Revenue funds within the Department of Secretary of State.
HHH	HHH-1	Repeals the authorization to increase Inland Fisheries and Wildlife Fees by an inflation adjustment that was enacted in PL 2003, c. 20.
	HHH-2	Increases the supersport fee from \$15 to \$20.
	HHH-3	Makes adjustments to appropriations and allocations to the Department of Inland Fisheries and Wildlife.
III	III-1:III-4	Makes adjustments to appropriations and allocations for the Department of Economic Development and for the Department of the Secretary of State.
JJJ	JJJ-1:	Repeals a provision that would have set aside the fiscal year 2002-03 savings from an increase in the federal medical assistance percentage in the Maine Rainy Day Fund.
	JJJ-2	Establishes the Federal Relief Funds Reserve, a General Fund reserve account to set aside savings resulting from recent federal fiscal relief.
	JJJ-3:JJJ-4	Requires the State Controller to shift eligible General Fund expenditures to the flexible federal fiscal relief grants to create savings in the General Fund.
	JJJ-5	Transfers \$26,687,473 from the General Fund to the Federal Relief Funds Reserve in fiscal year 2003-04.
	JJJ-6	Requires the State Controller in consultation with the Revenue Forecasting Committee to calculate the amount of additional General Fund revenue from MaineCare reimbursement that is generated by the increase in the federal medical assistance percentage contained in the Jobs and Growth Tax Relief Reconciliation Act of 2003. The calculated amount must be deposited in the Federal Relief Funds Reserve established in section 2. The State Controller shall provide to the Revenue Forecasting Committee with a report of the amount of revenue to be deposited in the Federal Relief Funds Reserve no later than December 1, 2003.

Appropriations and Financial Affairs

<u>Part</u>	<u>Section</u>	<u>Description</u>
	JJJ-7	Adjusts appropriations and allocations to reflect the impact on Medicaid program expenditures as a result of the increase in the federal medical assistance percentage contained in the Jobs and Growth Tax Relief Reconciliation Act of 2003.
KKK	KKK-1	Eliminates language allowing the Office of Program Evaluation and Government Accountability (OPEGA) to examine expenditures by public officials and private money for agency purposes.
	KKK-2	Requires a majority vote of the committee to issue a subpoena.
	KKK-3	Requires the Commissioner of the Department of Administrative and Financial Services to provide office space to OPEGA at no charge.
	KKK-4	Repeals a provision requiring state agency information to be available to the office and establishes a new section clarifying that information available to the office is governed by 1 MRSA, chapter 13 and 3 MRSA, chapter 21.
	KKK-5	Requires the Oversight Committee to review and identify the confidential information needed by OPEGA and submit these findings and recommendations to the 2nd Regular Session of the 121st Legislature.
	KKK-6	Provides General Fund appropriations of \$300,000 annually in fiscal years 2003-04 and 2004-05 for the OPEGA.
LLL	LLL-1	Requires that any fiscal year 2002-03 savings that is generated by the Department of Behavioral and Developmental Services as a result of the change in the federal medical assistance percentage be applied to support a portion of the projected MaineCare shortfall in the Department of Human Services. This amount is estimated to be \$2,939,580.
	LLL-2	Requires that any fiscal year 2002-03 savings that is generated in the Nursing Facilities program within the Department of Human Services as a result of the change in the federal medical assistance percentage be applied to support a portion of the projected MaineCare shortfall in the Department of Human Services. This amount is estimated to be \$1,879,212.
	LLL-3:LLL-4	Adjusts appropriations and allocations to reflect fiscal year 2002-03 savings in various departments and agencies and also authorizes the State Budget Officer to transfer the departmentwide savings by financial order to the appropriate accounts.

Appropriations and Financial Affairs

<u>Part</u>	<u>Section</u>	<u>Description</u>
MMM	MMM-1: MMM-2	Provides a General Fund appropriation of \$850,000 in fiscal year 2003-04 for the Maine Microenterprise Initiative Fund and required a microenterprise initiative fund program review.
NNN	NNN-1: NNN-8	Authorizes the establishment of the Pine Tree Development Zone program which allows qualified businesses in the manufacturing, target technology and financial services sectors to receive favorable tax benefits as a result of new or expanded investment within a designated zone. (LD 1385)

Public Law 2003, chapter 451 was enacted as an emergency measure effective Jun 12, 2003, unless a provision indicates otherwise.

P&S 31	An Act to Increase Funding for the Maine Dental Education Loan Program	LD 193
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<u>Sponsor(s)</u> LEDWIN ROTUNDO	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Private and Special 2003, chapter 31 allocates funds from the Fund for a Healthy Maine for loans to Maine residents enrolled in dental school or to repay loans for dentists who practice in underserved areas of the State.

RESOLVE 72	Resolve, Concerning Reauthorization of a 1997 Pollution Control Bond Issue	LD 1628
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<u>Sponsor(s)</u> MARTIN KOFFMAN	<u>Committee Report</u>	<u>Amendments Adopted</u>
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Resolve 2003, chapter 72 reauthorizes \$1,000,000 in bonds not yet issued from a \$13,000,000 bond issue for pollution control approved by the voters of the State in November 1997, pursuant to Public Law 1997, chapter 561.

\$2,000,000 of the bond issue was for tire stockpile abatement and \$1,000,000 of this amount remains unissued. The \$1,000,000 remaining from the 1997 bond issue was not previously issued because approximately \$1,700,000 in previously available dedicated funds and additional money from already issued bonds were expended first and were sufficient to meet obligations to date.

Business, Research and Economic Development

PUBLIC 11 An Act To Amend the Requirements for a Journeyman Oil Burner Technician License

LD 225

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISCHER STANLEY	OTP	

Public Law 2003, chapter 11 allows a person to sit for the journeyman oil burner technician license exam if the person successfully completes a minimum one-year accredited heating course at a Maine technical college consisting, at a minimum, of 320 hours of study, of which at least 150 hours are made up of laboratory work on oil burner equipment and related systems. This option supplements the provision of law that allows a person to sit for the exam if the person has at least one year of licensed practical experience as an apprentice oil burner technician or 6 months of practical experience combined with completion of an oil burner technician course.

PUBLIC 33 An Act to Clarify the Laws Relating to Public Water Systems

LD 133

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO CLARK	OTP	

Public Law 2003, chapter 33 renames the Board of Licensure of Water Treatment Plant Operators as the Board of Licensure of Water System Operators and changes the membership of the board to include a representative of a "very small water system," as that term is defined in rules of the board. The law also raises the limits on fees for examination and licensure from \$35 to \$70, and for renewal and restatement from \$30 to \$60. The law makes other changes to clarify that the board has licensing and regulatory powers over water distribution system operators as well as water treatment system operators.

PUBLIC 34 An Act To Exempt a Person Who Performs Work on Certain Vessels from the Laws Governing Professional Engineers

LD 995

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMONT BROWN	OTP	

Public Law 2003, chapter 34 exempts a person who performs work only on vessels under 200 feet long from the laws governing professional engineers.

Business, Research and Economic Development

PUBLIC 64 An Act to Protect the Privacy of Maine Nurses

LD 36

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM	S-9

Public Law 2003, chapter 64 provides that on or after July 1, 2004, applicants for licensure or for renewal of licensure by the State Board of Nursing must provide the board with a professional address and telephone number, which will be public information, and a residential address and telephone number, which will be confidential unless furnished as the applicant's or licensee's public contact address. It also prohibits the disclosure of personal health information, except as otherwise permitted or required by law.

PUBLIC 85 An Act To Amend the Home Construction Contracts Laws

LD 287

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS G GILMAN	OTP-AM	H-88

Public Law 2003, chapter 85 increases the monetary amount at which a written home construction contract is required from \$1,400 to \$3,000. It also allows a change in the commencement and completion dates of a project if the contractor is unable to work at the project site due to circumstances beyond the control of the contractor.

PUBLIC 89 An Act To Allow Dealers of Manufactured Housing To Install Oil Tanks

LD 396

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT R	OTP-AM	S-23

Public Law 2003, chapter 89 allows an employee of a manufactured housing dealer or owner of a manufactured housing dealership to install oil tanks in housing sold by the dealer or dealership if the employee or owner is the named corecipient of a joint limited license issued for this limited purpose. The joint limited license requires the named employee or owner to complete 4 hours of training, and is revoked upon that employee's termination from the dealer's employ or the owner's dealership ceasing to operate as a manufactured housing dealer.

Business, Research and Economic Development

PUBLIC 94 An Act To Require Continuing Education for Professional Engineers

LD 979

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS BROWN	OTP	H-109 SULLIVAN

Public Law 2003, chapter 94 establishes a continuing professional education requirement for engineers registered under the Maine Revised Statutes, Title 32, chapter 19.

PUBLIC 98 An Act To Educate Consumers Regarding Voluntary Repossession

LD 904

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY CLARK	OTP-AM	S-42

Public Law 2003, chapter 98 requires that a notice of a consumer's right to cure that is sent by a creditor to a consumer whose obligation is secured by a motor vehicle include a statement that if the motor vehicle is repossessed it may be sold by the creditor and that the difference between the net proceeds from that sale and the remaining balance may be owed by the consumer. This new notice provision applies only to notices sent on or after January 1, 2004.

PUBLIC 107 An Act To Change the Membership of the Plumbers' Examining Board To Include a Local Plumbing Inspector

LD 682

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL	OTP-AM MAJ ONTP MIN	H-110 SULLIVAN H-89

Public Law 2003, chapter 107 changes the membership of the Plumbers' Examining Board by substituting a local plumbing inspector who has been engaged in plumbing inspections for at least 4 years and is employed by a municipality for one of the journeyman plumbers currently on the board. The law takes effect on June 19, 2005. The law should be read in conjunction with Public Law 2003, chapter 446 which also affects the composition of the Plumbers' Examining Board.

Business, Research and Economic Development

PUBLIC 112 An Act To Update the Process for the Allocation of the State EMERGENCY Ceiling on Tax-exempt Bonds

LD 1409

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT COLWELL	OTP-AM	S-41

Public Law 2003, chapter 112 updates provisions for the allocation of the state ceiling for tax-exempt bonds to allow the Governor to name a nonprofit corporation or state agency that is eligible to receive an allocation of a portion of the state ceiling and to vote on the overall allocation of the state ceiling for tax-exempt bonds to serve as a secondary market for student loans.

Public Law 2003, chapter 112 was enacted as an emergency measure effective May 6, 2003.

PUBLIC 126 An Act To Require Information on New Wells

LD 341

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROGERS YOUNGBLOOD	OTP-AM	H-164

Public Law 2003, chapter 126 requires the Maine Water Well Commission to develop rules to ensure that well contractors record and maintain information in a permanent manner, including, but not limited to, the name of the contractor, the date of the work, the depth of the well and the well yield rate. The law provides that the rules so adopted are routine technical rules.

PUBLIC 159 An Act Concerning the Provision of Information and Services to EMERGENCY Businesses and Workers in Response to Certain Events

LD 918

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK STANLEY	OTP-AM	H-183

Public Law 2003, chapter 159 designates the Department of Economic and Community Development as the lead agency for providing information and business assistance to employers and businesses in response to an event that triggers rapid-response activities. The law retains for the Department of Labor its role as the lead agency for providing assistance to workers affected by such an event and directs the Department of Labor, within 90 days from the effective date of the law, to develop a directory of organizations that can provide resources to laid-off workers.

Public Law 2003, chapter 159 was enacted as an emergency measure effective May 14, 2003.

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PUBLIC 195 **An Act To Amend the Regional Economic Development Revolving**
EMERGENCY **Loan Program**

LD 1240

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KAELIN	OTP	H-198 KAE LIN
STANLEY		

Public Law 2003, chapter 195 amends the requirement of the Regional Economic Development Revolving Loan Program that borrowers obtaining loans of \$50,000 or less must receive a 2-to-one match of the funds borrowed from the program, reducing the required match to a one-to-one match.

Public Law 2003, chapter 195 was enacted as an emergency measure effective May 16, 2003.

PUBLIC 198 **An Act To Separate the Office of Tourism from the Office of**
Community Development

LD 1406

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP	

Public Law 2003, chapter 198 separates the Office of Tourism and Community Development, previously a single office within the Department of Economic and Community Development, into 2 separate and distinct offices within the department.

PUBLIC 204 **An Act To Make Technical Changes to Statutes Regarding**
Regulatory Boards and Registrations

LD 1506

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN	OTP	
SHOREY		

Public Law 2003 makes technical changes in 6 board statutes and one registration statute involving the Department of Professional and Financial Regulation as well as a change regarding the ability of a licensing board to deny an application for licensure when an applicant has failed to comply with a board order or consent agreement.

Part A of the law changes the submission deadline for the commissioner's report on charitable solicitation activity from February to December, to capture information on November filings.

Part B allows licensing boards to deny initial licensure to an applicant who is in noncompliance with a board order or consent agreement (the boards currently only can deny renewal).

Part C repeals the outdated provision requiring a specific number of electrical inspectors; permits the Electricians' Examining Board to adopt, through routine technical rulemaking, appropriate exceptions to national codes as

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provided by the codes; and repeals the provision requiring the board to keep records of licensees' names and addresses and money received and disbursed by the board.

Part D repeals unnecessary complaint provisions for physical therapists.

Part E changes the passing criteria for certified public accountant examinations to accommodate computer-based testing, and allows the board to contract with third parties to administer the exam.

Part F permits the Propane and Natural Gas Board to adopt, through rulemaking, appropriate exceptions to national codes as provided by the codes.

Part G changes the exemption from the definition of "boiler" for certain types of pressure vessels that are regulated by the Propane and Natural Gas Board.

Part H permits nurses who have passed the National Council of State Boards of Nursing, Inc.'s National Council's Learning Extension examination or who are licensed in a United States territory or a foreign jurisdiction and who have met all other requirements for licensure to practice nursing in this State for up to 90 days while awaiting the issuance of a social security number. In addition, Part H eliminates the requirement that an applicant for licensure as a registered professional nurse have a high school diploma or the equivalent since all applicants must have completed a course of study of not less than 2 years in an approved program in professional nursing and hold a degree, diploma or certificate from that program. Part H also makes additional technical changes to the laws governing nurses and nursing.

PUBLIC 211 An Act To Allow Licensure of Graduates of Social Work Programs
EMERGENCY That Are in Candidacy for Accreditation

LD 1146

<u>Sponsor(s)</u> LAVERRIERE-BOUCHER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-182 S-109 BRENNAN
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Public Law 2003, chapter 211 allows, until July 1, 2005, master social worker licensure of a graduate of a social work or social welfare program of an institution in candidacy for accreditation from the Council on Social Work Education or a successor organization.

Public Law 2003, chapter 211 was enacted as an emergency measure effective May 19, 2003.

PUBLIC 250 An Act To Establish New License Fee Caps

LD 1441

<u>Sponsor(s)</u> BROMLEY SULLIVAN	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 2003, chapter 250 increases the license fee cap for physical therapy licenses from \$60 to \$100 and increases the cap for plumbers' licenses from \$150 to \$200. The law also gives the Director of the Office of

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Licensing and Registration within the Department of Professional and Financial Regulation the authority to set individual licensing fee amounts.

PUBLIC 251 An Act To Amend the Licensing Requirements for Veterinarians LD 1505

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN SHOREY	OTP	

Public Law 2003, chapter 251 amends licensure requirements for veterinarians by granting authority for the Maine State Board of Veterinary Medicine to consider alternative pathways to licensure for foreign educated and trained applicants and to set criteria by rule. The law also allows the Director of the Office of Licensing and Registration, rather than the State Board of Veterinary Medicine, to set licensure fees concerning veterinary practice, and sets the cap for any such fee at \$150. In addition, the law makes technical adjustments to bring the Maine Veterinary Practice Act in line with other laws.

PUBLIC 252 An Act To Increase the Licensing Fee Caps of the State Board of Optometry LD 1411

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY SULLIVAN	OTP-AM	S-98

Public Law 2003, chapter 252 increases the fee caps for the State Board of Optometry in order to enable the board to increase its fees in order to meet its expenses.

PUBLIC 274 An Act To Restrict Excessive Late Rental Fees for Self-service Storage Facilities LD 1231

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE BROMLEY	OTP-AM MAJ ONTP MIN	H-292

Public Law 2003, chapter 274 prohibits operators of self-service storage facilities from imposing excessive late rental fees. The law requires that the amount and the conditions for imposing the late fee be included in a written agreement in 12-point type. The law establishes as a reasonable late fee \$20 for each late rental payment or 20% of the amount of each late rental payment, whichever is greater, and authorizes an operator to recover from the occupant reasonable expenses incurred in rent collection or lien enforcement.

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PUBLIC 281 An Act To Refine the Maine Rural Development Statutes

LD 1408

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY SMITH N	OTP-AM	S-148

Public Law 2003, chapter 281 clarifies that employees of the Maine Rural Development Authority are eligible for the state employee health plan, changes the rulemaking designation for the community industrial building program from major substantive to routine technical and removes the language that requires that unused funds be deposited with the Treasurer of State. The law also expressly grants the Maine Rural Development Authority the power to make loans under the commercial facilities development program, expands the types of buildings the authority may invest in under that program to include any buildings suitable for adaptive reuse as commercial or industrial facilities and eliminates the requirement that a separate fund be set up for the program. Additionally, the law designates the Commissioner of Economic and Community Development as the chair of the Maine Rural Development Authority's board of trustees.

PUBLIC 285 An Act To Raise the Fee Cap for Dentists

LD 1469

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN BROMLEY	OTP-AM	H-263

Public Law 2003, chapter 285 increases the fee cap for licensure of dentists from \$200 to \$400 and increases the fee cap for licensure of dentists with out-of-state licenses from \$300 to \$400. The law also increases the fee cap for reinstatement of dentist licenses from \$100 to \$200 for fees paid before February 1 and from \$200 to \$400 for fees paid after February 1.

PUBLIC 288 An Act Regarding Eligibility under the Municipal Investment Trust EMERGENCY Fund

LD 1554

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP-AM	S-149

Public Law 2003, chapter 288 makes service center communities eligible for grants or loans under the Municipal Investment Trust Fund. It also allows grants or loans to be used for downtown improvement projects and removes some prior program requirements for eligibility for a downtown improvement program.

Public Law 2003, chapter 288 was enacted as an emergency measure effective May 23, 2003.

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PUBLIC 292 **An Act To Exclude Inclined Stairway Chairlifts from the Definition of Elevator** **LD 1243**

<u>Sponsor(s)</u> ANNIS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-360
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Public Law 2003, chapter 292 defines "inclined stairway chairlift" as a mechanized chair apparatus running on a track or rail along the side of a staircase, and removes inclined stairway chairlifts from regulation and oversight by the Board of Elevator and Tramway Safety by removing these chairlifts from the definition of "elevator."

PUBLIC 304 **An Act To Clarify the Status of Regulated Water Utility Plumbing Permits** **LD 1004**

<u>Sponsor(s)</u> DAVIS P	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-128
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Public Law 2003, chapter 304 exempts the installation of stand-alone water meters, water meters in combination with nontestable backflow prevention devices and related valves by water utility personnel or water utility contractors from municipal plumbing inspection and permitting requirements. It also requires that a statement be included in any notice provided to a customer regarding entry to install such water meters or related valves that installation of a backflow preventor may necessitate installation by the customer of additional devices, such as an expansion tank, due to thermal expansion.

PUBLIC 326 **An Act To Make Filling Out-of-State Prescriptions for Schedule II** **LD 1578**
EMERGENCY **Drugs More Convenient**

<u>Sponsor(s)</u> BRUNO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-359
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Public Law 2003, chapter 326 addresses the difficulty that a Maine resident may encounter if being treated by a practitioner from a state that does not use security prescription blanks. The law provides for an out-of-state prescription for a Schedule II drug, written on a prescription blank that does not comply with the requirements of Department of Public Safety rules, to be filled if the person presenting the prescription or receiving that filled prescription presents photographic identification. The law allows the prescription to be filled without presentation of identification if the person receiving it is the patient for whom the prescription is written, is personally known to the pharmacist and has previously presented photographic identification that has been noted by the pharmacist. The law also requires the pharmacist to make a record of oral confirmation of the validity of the prescription from the out-of-state practitioner or the practitioner's agent. Additionally, the law allows a 72-hour supply of the drug to be dispensed in case the oral confirmation is delayed due to nights, weekends or holidays.

Public Law 2003, chapter 326 was enacted as an emergency measure effective May 27, 2003.

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PUBLIC 337 An Act To Amend the Maine "Lemon Law"

LD 887

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE TREAT	OTP-AM	H-382

Public Law 2003, chapter 337 amends the State's "lemon law" by:

1. Expanding the term of protection under the lemon law from 2 to 3 years, the warranty period or 18,000 miles of operation, whichever occurs earliest;
2. Allowing consumers, after one repair attempt, to claim the presumption that a reasonable number of repair attempts have been undertaken when the claimed nonconformity has resulted in a serious failure of either the braking or steering systems in the vehicle;
3. Requiring that a motor vehicle surrendered to a manufacturer as a result of a settlement under the lemon law be affixed with a notice, when that vehicle is first offered for resale to the public, stating that the vehicle was the subject of a Maine Lemon Law settlement agreement;
4. Expanding the time limit for applying for lemon law state arbitration from 2 years to 3 years or to any time before expiration of the manufacturer's express warranties, whichever occurs earlier;
5. Eliminating the requirement that 2 attempts to repair the defect or defects must be made by the same dealer; and
6. Limiting the amount that may be deducted from the refund required under the lemon law for mileage to the mileage that is reported on the application accepted by the State for lemon law arbitration and any mileage directly attributable to use by a consumer beyond 20,000 miles.

**PUBLIC 347 An Act To Amend the Laws Concerning State Board of Alcohol and
Drug Counselors**

LD 1559

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN MARTIN	OTP	

Public Law 2003, chapter 347 reorganizes the alcohol and drug counselor registration currently issued by the State Board of Alcohol and Drug Counselors by recognizing practitioners who provide public services at varying levels within agencies licensed by the Office of Substance Abuse in the Department of Behavioral and Developmental Services. This law provides an alternative pathway to certification and licensure for persons without degree-level education by recognizing work experience in the field of alcohol and drug counseling as one of the criteria for certification and licensing. The law also requires an alcohol and drug counseling aide and a certified alcohol and drug counselor to be supervised by a board-certified clinical supervisor. The law eliminates outdated practices and language as it pertains to examinations and reciprocity. Finally, the law clarifies requirements for continuing education and inactive licenses issued by the board and makes minor technical changes throughout the alcohol and drug practice laws.

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PUBLIC 356 An Act To Amend the Motor Vehicle Franchise Law

LD 1294

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN O'NEIL	OTP-AM	S-184

Public Law 2003, chapter 356 amends the laws concerning regulation of business practices between motor vehicle manufacturers, distributors and dealers. Specifically, this law prohibits automobile franchisors from recovering costs for reimbursing a franchisee for parts and labor and creates a 7-member Maine Motor Vehicle Franchise Board to resolve complaints between motor vehicle dealers and manufacturers. The Maine Motor Vehicle Franchise Board is not the exclusive venue for initially bringing a complaint, but if any party asserting claims or defenses under the Maine Revised Statutes, Title 10, chapter 204 or that could be brought under chapter 204 brings a complaint before the board, then all other civil actions or administrative actions must be tolled pending the outcome of proceedings before the board. This law also repeals the mediation requirements under the Maine Revised Statutes, Title 10, section 1173-A.

This law also clarifies that the right to succeed to ownership of a franchise by family members and other lawful successors applies to the retirement of the franchise owner as well as death or disability, clarifies that a franchise agreement may not include any requirement that a franchisee establish or maintain exclusive facilities, personnel or display space for different lines of motor vehicles or related products, changes the length of time allowed for filing various notices and claims, and grants the Maine Motor Vehicle Franchise Board, rather than the Secretary of State, the authority to levy civil penalties for violations of the laws governing business practices between motor vehicle manufacturers, distributors and dealers. The law also creates a full-time attorney position in the Department of the Secretary of State, Bureau of Motor Vehicles, who will serve as the chair of the Maine Motor Vehicle Franchise Board. Compensation for that position and all costs for the operation of the board are paid entirely from the Maine Motor Vehicle Franchise Fund, which is funded by fees imposed in the law that are paid by automobile franchisees and franchisors.

PUBLIC 364 An Act To Amend the Forester Law

LD 1455

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE	OTP	S-156 BRYANT

Public Law 2003, chapter 364 amends the forester licensing law to allow the Board of Licensure of Foresters to renew forester licenses without examination or internship for applicants who renew within 2 years of their license expiration date. Similarly, the law allows the board to renew intern forester licenses without imposing all requirements for new licensure for applicants who renew within 2 years of license expiration. The law also allows intern forester applicants to use relatives as references and sponsors, and changes the board's variance and supervisor registration rules from major substantive to routine technical. Additionally, the law clarifies that applicants who have applied on or before April 30, 2002 for a forester license may be qualified by experience or education to be licensed.

Business, Research and Economic Development

PUBLIC 385 An Act To Conform the Voting Members of Certain State Entities

LD 1402

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J	OTP MAJ	H-358 RINES
	ONTP MIN	

Public Law 2003, chapter 385 amends the status of the Treasurer of State from being a nonvoting member to a voting member of the group of representatives who vote with respect to agreements or recommendations for allocation or reallocation of the state ceiling and a voting member of the Maine Educational Loan Authority.

PUBLIC 420 An Act to Amend the Membership of the Propane and Natural Gas Board

LD 126

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT	ONTP MAJ	H-503 SULLIVAN
HATCH PR	OTP-AM MIN	

Public Law 2003, chapter 420 adds to the Propane and Natural Gas Board a board member who is a member of a labor organization in the building and construction industry, and allocates funds for administrative costs associated with having an additional member.

PUBLIC 429 An Act To Change Certain Educational Requirements and Make Title Changes for Licensed Social Workers

LD 1589

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN L	OTP-AM	H-454
BRENNAN		S-232 BROMLEY

Public Law 2003, chapter 429 allows for the continued issuance of conditional social work licenses after September 30, 2003 to applicants who have bachelor's degrees in fields other than social work. The law also limits conditional social work licensure in several additional ways:

1. Only applicants with bachelor's degrees in "related fields," a term to be defined by the State Board of Social Worker Licensure, are eligible for conditional licensure;
2. Beginning January 1, 2004, all conditional licensees must complete consultation requirements. The law specifies consultation requirements for employees of the Department of Human Services and other licensees;
3. Beginning on January 1, 2004, all conditional licensees must complete contact hours, as defined by the board, in an amount set by the board, within the first 2 years of licensure, of which 6 hours must be on the subject of social work ethics and 6 hours must be on the subject of psychosocial assessment; and

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4. All licensees must provide documentation of consultation completed in a period not less than 2 years nor more than 4 years. The law specifies consultation requirements for employees of the Department of Human Services and other licensees.

PUBLIC 446 An Act To Amend the Membership of the Plumbers' Examining Board

LD 710

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT	OTP-AM MAJ	S-157
PATRICK	ONTP MIN	S-222 BRYANT

Public Law 2003, chapter 446 changes the membership of the Plumbers' Examining Board by requiring that one of the 2 members of the board who are master plumbers must also be a member of a bona fide labor organization. The law takes effect on September 21, 2004. The law should be read in conjunction with Public Law 2003, chapter 107 which also affects the composition of the Plumbers' Examining Board.

PUBLIC 455 An Act To Provide Affordable Loans for Higher Education

LD 1625

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM	S-257
COLWELL		

Public Law 2003, chapter 455 creates the Higher Education Loan Purchase Program to be administered by the Finance Authority of Maine as a secondary market for higher education loans, as provided in Public Law 2003, chapter 112, allowing the Governor to designate a state agency as a secondary market, and Executive Order 16 FY 02/03, dated May 14, 2003, designating the Finance Authority of Maine as the state secondary market for educational loans. The law adds the administration of a secondary market for student loans to the general powers of the authority, and authorizes the authority to issue tax exempt bonds to finance certain loans. The law also authorizes the authority to originate loans, but limits this power to the origination of consolidation loans only, unless the authority finds that that limitation is a significant impediment to providing students with the benefits of the loan program.

PUBLIC 462 An Act To Ensure Equity in Mortgage Volume Fees
EMERGENCY

LD 969

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP-AM	H-554 RICHARDSON J S-186

Public Law 2003, chapter 462 clarifies the State's policy on payment of volume fees upon refinancing a sale, lease or loan. The law also creates the 14-member Committee to Study the Revenue Sources of the Office of Consumer Credit Regulation. The committee is funded from Other Special Revenue funds within the Department

Business, Research and Economic Development

of Professional and Financial Regulation, Office of Consumer Credit Regulation. The committee is required to submit its report to the Second Regular Session of the 121st Legislature no later than December 3, 2003 and is authorized to submit a bill to the Legislature at the time of submission of its report.

Public Law 2003, chapter 462 was enacted as an emergency measure effective June 16, 2003.

PUBLIC 464	An Act To Make Minor Technical Changes to the Maine	LD 1345
EMERGENCY	Biomedical Research Program and To Amend the Calculation of	
	Funds To Be Transferred to the Maine Research and Development	
	Evaluation Fund	

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHOREY	OTP-AM	H-579 SULLIVAN
RICHARDSON J		S-158

Public Law 2003, chapter 464 transfers the rule-making authority concerning the Maine Biomedical Research Program from the Department of Economic and Community Development to the Maine Biomedical Research Board and designates rules adopted pursuant to that authority as routine technical rather than major substantive. The law also adds general obligation bonds issued for research and development to the calculation of funds to be transferred to the Maine Research and Development Evaluation Fund that is administered by the Department of Economic and Community Development for the purposes of funding the comprehensive evaluation of state investments in research and development. In addition, the law requires that private entities receiving general obligation bond proceeds for research and development pay to the Treasurer of State an amount not to exceed 0.8% of the general obligation bond proceeds, which must be paid from available resources in the fiscal year in which the general obligation bond was issued.

Public Law 2003, chapter 464 was enacted as an emergency measure effective June 17, 2003.

PUBLIC 483	An Act To Facilitate Communication between Prescribers and	LD 945
	Dispensers of Prescription Medication	

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A	OTP-AM	H-457
SHOREY		

Public Law 2003, chapter 483 requires the Office of Substance Abuse within the Department of Behavioral and Developmental Services to establish by January 2, 2004 and to maintain an electronic prescription monitoring program. The program will allow prescribers and dispensers to identify immediately persons engaging in fraud and deception in obtaining schedule II, III and IV prescription drugs and to assist prescribers and dispensers in the safe and appropriate treatment and medication of patients. In addition, the law does the following:

1. It provides for criminal penalties for misuse of the information gathered through the program;
2. It specifies that the intent of the legislation is to detect and prevent substance abuse, not interfere with the legitimate medical use of controlled substances;

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3. It allows the Office of Substance Abuse to receive funds from any public or private source for the program, makes implementation of the program contingent on the receipt of sufficient federal or private funding and specifies that no general fund appropriation may be made to fund the program;
4. It provides a list of items of information from which the office may choose requirements for submission;
5. It provides a dispenser with immunity from liability for disclosure of information if the disclosure was made pursuant to and in accordance with the requirements of the legislation;
6. It directs the office to establish thresholds that, when exceeded, will trigger notification; and
7. It directs the office to purge information after 6 years.

**PUBLIC 499 An Act To Improve the State's Returnable Bottle Law and Adjust
Handling Fees**

LD 985

<u>Sponsor(s)</u>	<u>Committee Report</u>		<u>Amendments Adopted</u>
MARTIN	OTP-AM	MAJ	S-217
	OTP-AM	MIN	S-307 CATHCART

Public Law 2003, chapter 499 does the following:

1. It requires initiators of deposits for beverage containers to accept beverage containers processed through reverse vending machines;
2. It raises the handling fee to 3 1/2¢ for an initiator of deposit who, after March 1, 2004, fails to enter into a qualified commingling agreement;
3. It authorizes the commingling of beverage containers of like product group and allows deposit initiators who establish a qualified commingling agreement to add products to their agreement if they are from a different product group but of the same material;
4. It requires an initiator of deposit, other than certain small brewers and bottlers, to establish and maintain a deposit transaction fund and to report and pay to the Department of Administrative and Financial Services, Maine Revenue Services the amount in the fund attributable to unclaimed deposits on a monthly basis for those containers that are not subject to a commingling agreement; and
5. It directs that abandoned deposit amounts collected by Maine Revenue Services be deposited into the General Fund.

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**P & S 17
EMERGENCY**

**An Act To Provide for the 2003 and 2004 Allocations of the State
Ceiling on Private Activity Bonds**

LD 1326

Sponsor(s)
BROMLEY
SULLIVAN

Committee Report
OTP-AM

Amendments Adopted
S-73

Private and Special Law 2003, chapter 17 establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2003 and 2004. Under federal law, a maximum of \$228,580,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2003 and a maximum of \$228,580,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2004. This law allocates the state ceiling among the state-level issuers of tax-exempt bonds as follows: to the Treasurer of State, \$20,000,000 in 2003 and \$0 in 2004; to the Finance Authority of Maine, \$60,000,000 in 2003 and \$30,000,000 in 2004; to the Maine Municipal Bond Bank, \$10,000,000 in 2003 and \$10,000,000 in 2004; to the Maine Educational Loan Authority, \$0 in 2003 and \$0 in 2004; and to the Maine State Housing Authority, \$40,000,000 in 2003 and \$40,000,000 in 2004. The law leaves \$98,580,000 of the state ceiling unallocated in 2003 and \$148,580,000 unallocated in 2004.

Private and Special Law 2003, chapter 17 was enacted as an emergency measure effective May 15, 2003.

P & S 27

**An Act To Suspend Rules of the Board of Dental Examiners
Regarding Permission for Public Health Supervision Status**

LD 1390

Sponsor(s)
YOUNGBLOOD
SULLIVAN

Committee Report
ONTP MAJ
OTP-AM MIN

Amendments Adopted
S-130

Private and Special Law 2003, chapter 27 suspends until May 1, 2004 that portion of the rules of the Board of Dental Examiners that requires a dental hygienist to seek permission from the board to perform work under public health supervision status. The law requires a dental hygienist, prior to performing this work, to give notice to the board that identifies the site where the work is to be performed, the nature of the work and the name of the supervising dentist with whom the hygienist has entered into the required public health supervision agreement.

RESOLVE 8

**Resolve, To Allow Certain State Employees To Be Voting Board
Members of Project SHARE**

LD 826

Sponsor(s)
DUNLAP
EDMONDS

Committee Report
OTP-AM

Amendments Adopted
H-114

Resolve 2003, chapter 8 allows an employee of the Department of Environmental Protection, Department of Conservation or the Maine Atlantic Salmon Commission to serve on the steering committee of Project SHARE.

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RESOLVE 15 **Resolve, Directing the Department of Labor To Publish Annually Economic and Workforce Information Concerning the Canadian Maritime Provinces** **LD 748**

<u>Sponsor(s)</u> SHERMAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-184
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Resolve 2003, chapter 15 directs the Department of Labor to provide information comparing the economy and workforce of the Canadian Maritime Provinces to the economy and workforce of the State. The resolve directs the department to publish the information annually.

RESOLVE 47 **Resolve, Regarding Legislative Review of Chapter 1: Community** **LD 1560**
EMERGENCY **Industrial Building Program, a Major Substantive Rule of the**
Maine Rural Development Authority

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Resolve 2003, chapter 47 authorizes final adoption of Chapter 1: Community Industrial Building Program, a major substantive rule of the Maine Rural Development Authority, which concerns the application process for loans for construction of speculative buildings through the program. The rule is based on the prior rule governing the community industrial building program, originally promulgated by the State Development Office.

Resolve 2003, chapter 47 was passed as an emergency measure effective May 23, 2003.

RESOLVE 73 **Resolve, Directing the Community Preservation Advisory** **LD 472**
Committee To Study Issues Pertaining to Barriers to Affordable
Housing in the State

<u>Sponsor(s)</u> SULLIVAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-145 H-273 S-265 GAGNON
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Resolve 2003, chapter 73 directs the Community Preservation Advisory Committee to study barriers to affordable housing in the State. The recommendations of the advisory committee, including suggested legislation, are to be incorporated into the advisory committee's annual report required under Title 30-A, section 4350, subsection 9. A copy of that report must be provided to the Joint Standing Committee on Business, Research and Economic Development no later than December 1, 2003.

In conducting its study, the Community Preservation Advisory Committee must study state rules or local regulations that inhibit the construction of new affordable housing units or the renovation of existing buildings for the purpose of creating affordable housing units; zoning or zoning practices that create barriers to affordable

Business, Research and Economic Development

housing; laws pertaining to municipal impact fees; municipal moratoria on development permits; municipal rate of growth ordinances; barriers to the creation of affordable rental housing, including the unavailability of deposit assistance; barriers to the construction or availability of affordable housing for veterans, seniors, retirees, persons with disabilities and homeless persons; and other barriers to the construction or availability of affordable housing identified by the advisory committee or stakeholders. The resolve also requires that the advisory committee consult with a broad range of stakeholders including public and private organizations, elected officials and others involved with affordable housing issues in conducting its study.

The resolve also authorizes the Joint Standing Committee on Business, Research and Economic Development to report out legislation during the Second Regular Session of the 121st Legislature on issues pertaining to barriers to affordable housing.

RESOLVE 80 Resolve, To Establish a Task Force Concerning Speech-language Pathologists LD 989

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO MAKAS	OTP-AM	H-552 RICHARDSON J H-591 DUPLESSIE S-185

Resolve 2003, chapter 80 creates a task force that is directed to study ways to increase the number of speech-language pathologists who provide services in Maine schools and the opportunities for postsecondary training and professional development programs in the State. The task force is directed to submit a report, including findings, recommendations and recommended legislation, by December 3, 2003 to the Second Regular Session of the 121st Legislature, the Commissioner of Education and the State Board of Education. In addition, the resolve directs that the agencies and entities represented on the task force will absorb expenses incurred by the task force.

RESOLVE 87 Resolve, To Study the Effects of NAFTA and Other Cross-border Issues on Maine Businesses LD 607

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO CRAVEN	OTP-AM	S-22 S-296 CATHCART

Resolve 2003, chapter 87 directs the Department of Economic and Community Development and the Executive Department, State Planning Office to study the positive and negative effects of the North American Free Trade Agreement, with particular emphasis on several important business sectors, including an assessment of the impacts of NAFTA on small businesses throughout the State and an assessment of imports and other cross-border commerce issues and effects on the natural resource-based industries of the State. This law also permits the Department of Economic and Community Development to submit legislation for consideration in the Second Regular Session of the 121st Legislature to help expand business opportunities under and minimize adverse effects of NAFTA.

Criminal Justice and Public Safety

**PUBLIC 1
EMERGENCY**

**An Act to Make Corrections to Laws in Conflict with MCJUSTIS
Changes**

LD 18

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-5

Public Law 2003, chapter 1 amends the Maine Criminal Code to correct conflicts with Public Law 2001, chapter 667, legislation enacted in the 120th Legislature, pursuant to recommendations by the Maine Criminal Justice Information System Policy Board. Public Law 2003, chapter 1 does the following.

1. It repeals sections of law that were incorporated into the Maine Criminal Code elsewhere by Public Law 2001, chapter 667.
2. It includes the correct classification of crime for 2 forms of aggravated trafficking and aggravated furnishing of scheduled drugs.
3. It corrects a cross-reference concerning the theft of scheduled drugs.
4. It corrects the application of general language concerning prior convictions by providing that prior convictions for sexual assaults may be used as sentencing enhancers even if the prior convictions were entered more than 10 years earlier.

Public Law 2003, chapter 1 was enacted as an emergency measure effective January 30, 2003.

PUBLIC 12

**An Act To Amend the Law Regarding Security Officer
Qualifications**

LD 375

Sponsor(s)
BUNKER
HATCH PH

Committee Report
OTP

Amendments Adopted

Public Law 2003, chapter 12 removes from the list of screening criteria for security guard employment the automatic disqualifier of having been adjudicated of committing 3 civil violations within 5 years.

PUBLIC 15

**An Act to Amend the Maine Bail Code as Recommended by the
Criminal Law Advisory Commission**

LD 224

Sponsor(s)

Committee Report
OTP

Amendments Adopted

Public Law 2003, chapter 15 amends the definition of "failure to appear" to include a failure to surrender into custody at the time and place required under the Maine Rules of Criminal Procedure, Rule 32(a)(1).

Criminal Justice and Public Safety

Public Law 2003, chapter 15 also prohibits an attorney in a criminal matter, while representing a defendant, from providing cash bail or acting as surety for the client. This same prohibition is found in the Maine Rules of Criminal Procedure, Rule 26(d).

PUBLIC 16	An Act To Amend the Maine Juvenile Code as Recommended by the Criminal Law Advisory Commission	LD 223
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<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Public Law 2003, chapter 16 clarifies the authority of a juvenile community corrections officer to issue and serve a summons. The Commissioner of Corrections, at the commissioner's discretion, must authorize any issuance or service by a juvenile community corrections officer. Public Law 2003, chapter 16 further allows the commissioner to impose conditions as to when and under what circumstances such authority may be exercised. The primary responsibility for issuing and serving summonses continues to rest with law enforcement officers.

PUBLIC 19	An Act Concerning Full-time Law Enforcement and Corrections Officers	LD 151
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<u>Sponsor(s)</u> DAVIS P		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Public Law 2003, chapter 19 changes the method of determining who is a full-time law enforcement or corrections officer for purposes of required training from one based on compensation to one based on hours worked in the course of a year. Current law defines a full time officer as one who has a reasonable expectation of earning at least \$10,000 per year. Public Law 2003, chapter 19 makes the training law consistent with Title 30-A, section 386, which deals with compensation of a deputy sheriff based on hours worked. Title 30-A and Public Law 2003, chapter 19 specify that a part-time LEO may not be compensated for more than 1040 hours of work in any one calendar or fiscal year.

PUBLIC 24	An Act To Repeal the Crime of Plundering at Fires as Larceny	LD 728
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<u>Sponsor(s)</u> MILLS J		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Public Law 2003, chapter 24 repeals the crime of "plundering at fires," which is larceny that occurs when a person "takes, carries away or conceals any property not his own, at a fire, or exposed by reason thereof, and does not give notice of it to the owner or one of the fire wards." This crime may be prosecuted under the Maine Criminal Code as theft.

Criminal Justice and Public Safety

PUBLIC 42 **An Act Regarding the Enforcement Powers of the Office of the**
EMERGENCY **State Fire Marshal**

LD 79

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P	OTP-AM	S-3

Public Law 2003, chapter 42 removes the limitation on the State Fire Marshal and the State Fire Marshal's deputy and investigators to enforcement of laws, rules and ordinances concerned only with issues such as fire prevention and arson. Public Law 2003, chapter 42 specifies that the State Fire Marshal and the State Fire Marshal's deputy and investigators have the same law enforcement powers and duties as sheriffs have in their respective counties.

Public Law 2003, chapter 42 was enacted as an emergency measure effective April 15, 2003.

PUBLIC 66 **An Act To Clarify the Standard for Review of Preconviction Bail**

LD 729

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	H-71

Public Law 2003, chapter 66 clarifies the process for review of preconviction bail by clearly stating that, upon receiving a petition for review of preconviction bail from a defendant who is in custody as a result of a decision of a District Court Judge or a bail commissioner or a defendant who is not in custody but who is aggrieved by a decision of a District Court Judge or a bail commissioner, a Superior Court Justice shall make an entirely new or de novo determination of bail. The Superior Court does not increase or decrease or otherwise modify the bail that is set but instead hears argument and makes an entirely new bail determination. This determination may include bail in any manner authorized by Title 15, section 1026; therefore, the Superior Court's de novo determination of bail may be the same, may be higher or lower or may have different conditions than the bail previously set.

PUBLIC 80 **An Act To Clarify the Responsibilities of Contract Law**
 Enforcement Officers

LD 895

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE	OTP-AM	S-25

Public Law 2003, chapter 80 clarifies that a municipality lacking an organized police department may contract with the State Police or a sheriff's department to enforce municipal ordinances and give the officers or deputy sheriffs the authority to enforce the ordinances.

Criminal Justice and Public Safety

PUBLIC 87 An Act Regarding Bail and Fines

LD 838

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN WOODCOCK	OTP-AM	H-90

Public Law 2003, chapter 87 allows for bail previously posted to be set off against the same expenses associated with other proceedings involving the same defendant. Current law authorizes the setoff of bail against criminal fines, forfeitures, fees, restitution, attorney's fees and expenses and surcharges arising from the criminal proceeding for which the bail has been posted. Public Law 2003, chapter 87 also directs the court to apply any bail collected pursuant to this subsection first to restitution.

PUBLIC 102 An Act To Change the Definition of Family or Household Members for Purposes of Criminal Statutes

LD 1182

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN O'NEIL	OTP	

Public Law 2003, chapter 102 changes the definition of "family or household members" in the laws governing when a law enforcement officer may arrest a person without a warrant for certain crimes between family or household members to include individuals presently or formerly living together and individuals who are or were sexual partners.

PUBLIC 138 An Act to Protect Against Unlawful Sexual Touching

LD 722

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N	OTP-AM	H-155 H-257 SMITH N

Public Law 2003, chapter 138 criminalizes intentional sexual contact with a person who is either 14 or 15 years of age who is not the actor's spouse when the actor is at least 10 years older than the other person. This form of sexual abuse of a minor is a Class D crime. It is a defense to a prosecution for the new crime that the actor reasonably believed the other person to be at least 16 years of age.

Public Law 2003, chapter 138 also creates the new crime of unlawful sexual touching. "Sexual touching" means any touching of the breasts, buttocks, groin or inner thigh, directly or through clothing, for the purpose of arousing or gratifying sexual desire. The crime of unlawful sexual touching is modeled after the current crime of unlawful sexual contact.

Criminal Justice and Public Safety

PUBLIC 142 An Act To Enhance Juvenile Rehabilitation

LD 1192

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM	S-77

Public Law 2003, chapter 142 amends the Maine Juvenile Code to allow the juvenile court to require that the parent, guardian or legal custodian of a juvenile charged with committing a juvenile crime attend all juvenile court proceedings, unless the court excuses attendance for good cause; however, it clarifies that the failure of a parent, guardian or legal custodian to appear in response to the summons or for a later hearing, or the inability to serve such a party, may not prevent the court from continuing with the proceedings against a juvenile who is before the court, except as required in the Maine Revised Statutes, Title 15, section 3314, subsection 1, paragraphs C-1 and C-2.

Public Law 2003, chapter 142 amends the Maine Juvenile Code to allow a court to order the parent, guardian or legal custodian of a juvenile adjudicated as having committed a juvenile crime to participate in and pay all or part of the reasonable costs of counseling, treatment, education and case management as determined by the court.

Public Law 2003, chapter 142 affirms that the court may invoke its contempt powers to enforce such attendance and court orders.

Public Law 2003, chapter 142 specifies that the court may not revoke a juvenile's probation because of the failure of the juvenile's parent, guardian or legal custodian to comply with an order to participate in or pay all or part of the reasonable costs of counseling, treatment, education and case management as determined by the court.

PUBLIC 143 An Act To Amend the Maine Criminal Code as Recommended by the Criminal Law Advisory Commission

LD 1020

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-153

Public Law 2003, chapter 143 does the following.

1. It defines "reasonable degree of force" in the context of the use of physical force by a parent, foster parent, guardian or other similar person responsible for the long-term general care and welfare of a person, as limited to applying physical force to a person that at most results in transient pain or minor temporary marks on that person.
2. It amends the law regarding the use of physical force in law enforcement in 3 ways. First, it adds the word "unlawful" to the law to specify that a law enforcement officer or private person may use force upon another when the law enforcement officer or private person reasonably believes that there exists an imminent use of "unlawful" force by another. The addition of "unlawful" makes this law consistent with other use of force provisions in Chapter 5 of the Maine Criminal Code. Second, it strikes an outdated reference to the Maine Correctional Institution - Warren. Third, it makes Title 17-A, section 107 gender neutral in conformance with drafting standards.

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3. It adds the phrase "in fact" before the word "communicates" in Title 17-A, section 210, subsection 1 to clarify that no culpable mental state need be proved. The addition mirrors Maine case law. See State v. Porter, 384 A.2d 429, 433-434 (Me. 1978).
4. It clarifies Title 17-A, section 454, subsection 1, paragraph A, which concerns tampering with a witness, informant, juror or victim, by specifying that the actor must be aware at the time the actor induces or otherwise causes, or attempts to cause, a witness or informant to testify or inform falsely that such testimony or information is false.
5. It amends Title 17-A, section 1108, subsection 5, which concerns acquiring drugs by deception, to clarify that the trier of fact is permitted, as authorized by the Maine Rules of Evidence, Rule 303(b), to infer the causation element of "acquiring" from the act of deception described in Title 17-A, section 1108, subsection 2, paragraph A or B. This change is not intended to create a conclusive presumption.
6. It strikes from Title 17-A, section 1158, which concerns the forfeiture of firearms, the reference to the "judgment of conviction" to eliminate confusion. The forfeiture of a firearm is part of the sentence while the sentence is part of the judgment. See the Maine Rules of Criminal Procedure, Rule 32(b).
7. It provides for the tolling of a Maine sentence involving imprisonment in the event the person in execution of that sentence is a recalcitrant witness in a grand jury or criminal proceeding in a Maine court of record and has been ordered into coercive imprisonment as a remedial sanction for refusing to comply with an order of the court to testify or to provide evidence.
8. It clarifies that if the State pleads and proves that an actor has 2 or more prior convictions for stalking under Title 17-A, section 210-A, the State may not plead and prove further sentencing class enhancement under Title 17-A, section 1252.
9. Effective January 1, 2004, it eliminates the current requirement under Title 17-A, section 1252-B that deductions for good time and meritorious good time be taken into consideration when a sentencing alternative involving imprisonment is requested or recommended by a party or imposed by a court.
10. It amends the criteria for imposing fines to expressly recognize the existing limitation upon the court's discretion in the event the fine amount is mandatory and thus the convicted offender must be sentenced to pay the fine amounts required under Title 17-A, sections 1201 and 1301.
11. It amends provisions regarding the Criminal Law Advisory Commission to make them gender neutral.

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PUBLIC 154 **An Act To Clarify Sentencing for Persons Convicted of Class D and Class E Crimes Involving Domestic Violence** **LD 1266**

<u>Sponsor(s)</u> COLWELL STRIMLING	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-154
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Public Law 2003, chapter 154 specifies that the period of probation for a person convicted of a Class D or Class E crime involving domestic violence is 2 years, except that the term of probation terminates when the probationer has served at least one year, has completed a certified batterers' intervention program and has met all other conditions of probation.

PUBLIC 158 **An Act To Criminalize Noncompliance with an Interstate Compact for Adult Offender Supervision** **LD 1023**

<u>Sponsor(s)</u> LAFOUNTAIN SULLIVAN	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 2003, chapter 158 specifies that a person commits a Class D crime if that person is released on probation or parole by a state that is a member of an interstate compact for adult offender supervision and the person resides in Maine without complying with the requirements of the interstate compact.

PUBLIC 160 **An Act To Amend the Membership of the Maine Fire Protection Services Commission** **LD 1160**
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-156
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Public Law 2003, chapter 160 adds to the members of the Maine Fire Protection Services Commission the Director of Maine Emergency Medical Services and the Director of the Maine Emergency Management Agency. Public Law 2003, chapter 160 also authorizes the President of the Senate and the Speaker of the House of Representatives to appoint any Legislators to the Maine Fire Protection Services Commission, instead of limiting legislative members to those serving on the committee having jurisdiction over fire protection matters.

Public Law 2003, chapter 160 was enacted as an emergency measure effective May 14, 2003.

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PUBLIC 180 An Act To Amend the Maine Juvenile Code

LD 1496

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUNKER CARPENTER	OTP-AM	H-189

Public Law 2003, chapter 180 requires that a Juvenile Court Judge or a justice of the peace determine whether there is probable cause to believe that a juvenile has committed a juvenile crime when a juvenile is arrested without a warrant for a juvenile crime or a violation of conditional release and is not released from custody or does not receive a detention hearing within 48 hours after arrest. Public Law 2003, chapter 180 also moves the section of law that deals with detention of juveniles charged as adults from Title 15, section 1102 to section 3206.

PUBLIC 182 An Act To Allow a Judge To Assess a Fee on a Defendant To Reimburse a Municipality for a Drug Test

LD 970

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN BUNKER	OTP-AM	S-76

Public Law 2003, chapter 182 authorizes a court, as part of a defendant's restitution, to include in a sentence for a crime the costs of drug tests administered by a law enforcement agency to the defendant. The court must then pay over any amounts collected to the state, municipal or county law enforcement agency that incurred the costs. Public Law 2003, chapter 182 does not apply to a test administered under the Maine Revised Statutes, Title 29-A for OUI.

PUBLIC 185 An Act to Aid Law Enforcement in Complying with Maine's Freedom of Access Laws

LD 249

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN MARTIN	OTP-AM	H-186

Public Law 2003, chapter 185 requires the chief administrative officer of each municipal, county and state law enforcement agency to certify to the board of trustees of the Maine Criminal Justice Academy annually that the agency has adopted a written policy regarding procedures to deal with a freedom of access request and that the chief has designated a person who is trained to respond to freedom of access requests received by the agency.

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PUBLIC 186 An Act To Increase Requirements for Notification of Release to Victims of Stalkers

LD 1224

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUMMINGS	OTP-AM	H-188

Public Law 2003, chapter 186 expands the laws governing the notification of a defendant's release from jail or an institution. Public Law 2003, chapter 186 adds "stalking" to the list of crimes for which a victim must be informed of the release of the defendant. Public Law 2003, chapter 186 also requires notification of the defendant's release to a victim when the defendant is institutionalized after being found incompetent to stand trial.

PUBLIC 188 An Act To Limit the Transfer of Handguns to Minors

LD 404

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS GERZOFISKY	OTP-AM	S-86

Public Law 2003, chapter 188 prohibits an individual who is not a federally licensed commercial firearms dealer from transferring a handgun to a person under the age of 18, making that provision of State law consistent with federal law. Federal law also prohibits licensed commercial firearms dealers from transferring handguns to persons under 21 years of age. Public law 2003, chapter 188 provides that unlawful transfer or sale to a minor is a Class D crime for the first offense and a Class C crime for any subsequent offense. Public Law 2003, chapter 188 also makes technical changes to clarify that possession of a handgun by a minor is not covered under the law's provisions.

PUBLIC 190 An Act To Clarify That the Maine Juvenile Code Does Not Preclude Sharing Information with School Administrators for Purposes of School Safety

LD 427

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON SYKES	OTP-AM	S-29 S-95 WESTON

Public Law 2003, chapter 190 specifies that the Maine Juvenile Code's confidentiality provisions authorize law enforcement officers or criminal justice agencies to share information pertaining to juveniles with school administrators if that information is credible and indicates an imminent danger to the safety of students or school personnel. Public Law 2003, chapter 190 also controls the dissemination of this information by requiring the superintendent who receives student information from a law enforcement officer to set up a notification team pursuant to Title 20-A, section 1055, subsection 11. Any information received pursuant to Public Law 2003, chapter 190 may not become part of a student's education record.

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PUBLIC 196 An Act To Conform to Federal Standards Maine's Law Regarding Strip Searches of Persons in Custody

LD 1524

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUNKER STRIMLING	OTP-AM	H-232

Public Law 2003, chapter 196 repeals Title 5 section 200-G, subsection 2, paragraph A, which governed the use of strip searches. Because the law is insufficiently precise to be codified in statute, the rules provided for in the Title 5, section 200-G, subsection 1 are a sufficient means to provide guidance to law enforcement officers in this area and are much easier to amend if case law developments warrant such a change.

PUBLIC 199 An Act Regarding Railroad Police Training

LD 1450

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING JODREY	OTP	

Public Law 2003, chapter 199 brings the references in the statutes that specifically address the training requirements for a railroad police officer up to date and into compliance with the current training requirements established for law enforcement officers through the Maine Criminal Justice Academy.

PUBLIC 205 An Act To Amend the Laws Pertaining to the Department of Corrections

LD 1497

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUNKER STRIMLING	OTP-AM	H-248

Public Law 2003, chapter 205 does the following.

1. It provides that, upon the request of the Department of Corrections, a court may order a defendant to pay a substance testing fee as a requirement of participation in an alcohol or drug treatment program.
2. It amends the supervised community confinement program to allow release to a hospice when medically appropriate.
3. It updates language in the crime of assault against a corrections officer.
4. It clarifies the process for revocation of a period of supervised release of sex offenders pursuant to Title 17-A, subchapter 50. The bill clarifies that when a person's supervised release is revoked, the remaining period of supervised release that is not required to be served in prison remains in effect to be served after the person is

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released and is subject to revocation again. This clarification is consistent with the process for revocation of probation.

5. It clarifies the process for sheriffs communicating information regarding presentence jail time credits. It requires a sheriff to provide all presentence jail time credits to the department and to the attorney for the State for the attorney's review. The attorney for the State then has a 15-day opportunity to review calculations of presentence detention for purposes of determining when a defendant may be released from incarceration.
6. It also fixes cross-references, repeals obsolete language and makes technical corrections.

PUBLIC 232 An Act To Change Mandatory Minimum Sentences in Certain Cases

LD 856

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	H-311

Public Law 2003, chapter 232 repeals the sentencing provision that requires that a person have no prior criminal history in order to be considered for a sentence that is other than a minimum mandatory term of imprisonment for a violation of Title 17-A, section 1105-A, 1105-B, 1105-C or 1105-D.

PUBLIC 233 An Act To Enhance the Powers of Law Enforcement Officers Authorized To Make Out-of-county or Out-of-municipality Arrests

LD 469

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY STRIMLING	OTP-AM	H-123 H-290 DUNLAP

Public Law 2003, chapter 233 enhances the powers of law enforcement officers in the following ways.

1. The law limits the authority to make out-of-county or out-of-municipality arrests to only those officers who meet the training requirements of Title 25, section 2804-C.
2. The law expands these arrest powers for officers who meet the training requirements to include all powers listed in Title 17-A, section 15.
3. The law authorizes the trustees of the University of Maine System to empower the university system's full-time police officers to make certain arrests outside university property if the municipality in which an arrest is to be made has requested assistance in advance by cooperative agreement.

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PUBLIC 239 An Act To Amend the Law Regarding Juvenile Restitution

LD 1230

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO	OTP-AM	H-278

Public Law 2003, chapter 239 specifies that for purposes of a juvenile disposition involving restitution, the court may enter a separate order for income withholding if the juvenile is employed. This is consistent with the process of collecting restitution paid by adult offenders.

PUBLIC 243 An Act To Improve Access to the Victims' Compensation Fund

LD 1510

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUNKER STRIMLING	OTP-AM	H-277

Public Law 2003, chapter 243 makes the following changes to the laws regarding the Victims' Compensation Fund.

1. It expands the definition of family or household member to include other individuals "who bear an equally significant relationship to the victim."
2. It adds leaving the scene of a motor vehicle accident to the list of covered crimes if the crime results in personal injury or death.
3. It adds to eligible expenses repair or replacement of locks or other security devices.
4. It extends the application filing deadline from one year to 3 years.
5. It requires disclosure of relevant health care information to the Victims' Compensation Board pursuant to a victim's signed application to the board.
6. It provides for reimbursement to the Victims' Compensation Fund from restitution payments made by the offender after the victim's actual losses are covered.

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PUBLIC 305 An Act To Expand the Definition of "Juvenile Crime" To Include the Offenses of Possession and Use of Drug Paraphernalia, Illegal Transportation of Alcohol by a Minor and Transportation of Illegal Drugs by a Minor

LD 884

<u>Sponsor(s)</u> NORBERT PENDLETON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-366
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Public Law 2003, chapter 305 amends the Maine Juvenile Code to add to the definition of "juvenile crime" the civil violations of possessing and using drug paraphernalia and transportation of alcohol or illegal drugs by a minor. Public Law 2003, chapter 305 corrects previous oversights in the law by adding to the provision defining juvenile crimes a reference to Title 15, section 393, subsection 1, paragraph C and by adding Title 15, section 3103, subsection 1, paragraph G to the list of juvenile crimes for which a juvenile may be arrested without a warrant.

Public Law 2003, chapter 305 clarifies the process by which the juvenile community corrections officer ensures that the Secretary of State receives notice of violations of Title 28-A, section 2052 and Title 22, section 2389, subsection 2 when no juvenile petition will be filed. Public Law 2003, chapter 305 requires the Secretary of State to suspend a juvenile's driver's license for 30 days upon receiving notice of a violation. Public Law 2003, chapter 305 also specifies that the court may suspend a juvenile's license for up to 6 months when a juvenile violates Title 17-A, chapter 45; Title 22, section 2383; Title 22, section 2383-B, subsection 5; Title 22, section 2389, subsection 2; or Title 28-A, section 2052 and is adjudicated to have committed a juvenile crime.

PUBLIC 341 An Act To Amend Certain Provisions Relating to a Permit To Carry Concealed Firearms To Be Consistent with Changes to the Statute Relating to Possession of Firearms by Prohibited Persons

LD 1546

<u>Sponsor(s)</u> CARR	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 2003, chapter 341 amends the requirements for the issuance of a permit to carry concealed firearms by the issuing authority to incorporate into the requirements the recent changes made to the Title 15, section 393 relating to possession of firearms by prohibited persons pursuant to Public Law 2001, chapter 549. Public Law 2003, chapter 341 also adds a permit to carry firearms provision in Title 25, section 2002 definitions for "conviction," "not criminally responsible by reason of mental disease or defect," "State," "state" and "use of dangerous weapon." Each definition is contained in Title 15, section 393.

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PUBLIC 358 An Act To Provide the Office of the State Fire Marshal with Adequate Funding for Construction Plans Review

LD 1401

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUNKER	OTP-AM	H-472
STRIMLING		

Public Law 2003, chapter 358 authorizes the Commissioner of Public Safety to establish a fee schedule for the review of plans for construction, reconstruction or repairs to structures submitted to the Office of the State Fire Marshal. The fee schedule for new construction or new use is 5¢ per square foot for occupied spaces and 2¢ per square foot for bulk storage occupancies, except that a fee for review of a plan for new construction by a public school may not exceed \$450. The fee schedule for reconstruction, repairs or renovations is based on the cost of the project and may not exceed \$450.

PUBLIC 360 An Act Regarding the State Police Command Staff

LD 1449

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING	OTP-AM MAJ	S-211
JODREY	OTP-AM MIN	

Public Law 2003, chapter 360 amends the laws concerning State Police command staff. Under current law, the Chief of the State Police may appoint lieutenant colonels and majors to assist the chief. An appointee who is either removed by the chief for a reason other than malfeasance of office or is not reappointed by a new chief may return to the appointee's previous rank in the State Police if the appointee is not eligible to collect retirement benefits. Public Law 2003, chapter 360 reflects that the number of years of creditable service for a full service retirement benefit has increased from 20 years to 25 years. Public Law 2003, chapter 360 also amends the law to reflect that only one chief deputy may be appointed, instead of 2, which the law now authorizes.

PUBLIC 361 An Act To Make Minor Changes to the Required Law Enforcement Policies

LD 1573

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING	OTP-AM	S-203
JODREY		

Public Law 2003, chapter 361 makes minor changes to the requirements contained within the mandatory law enforcement policy on domestic violence. Law enforcement agencies must have policies that require the collection of certain information by an officer that is to be provided to the bail commissioner after the arrest of a person involved in a domestic violence incident. A reference to a risk assessment is changed to the collection of information. The arresting officer does not perform a risk assessment. Secondly, the requirements regarding retrieval of personal property are modified slightly to allow for, rather than require, a neutral location for the exchange and to give the victim the option of 24 hours' notice to each party prior to retrieval rather than requiring it.

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PUBLIC 370 An Act To Ensure Basic Standards for Death Investigations by Law Enforcement Agencies

LD 1434

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUNKER STRIMLING	OTP-AM	H-474

Public Law 2003, chapter 370 requires law enforcement agencies to adopt a written policy to deal with death investigations, including the minimum standard protocol for death investigations published by the Department of the Attorney General. Public Law 2003, chapter 370 directs the Board of Trustees of the Maine Criminal Justice Academy to establish by January 1, 2004 the new model policy for death investigations. Public Law 2003, chapter 370 also requires that each law enforcement agency certify by June 1, 2004 to the board that the agency has adopted a death investigation policy and requires a law enforcement agency to certify by June 1, 2005 that the law enforcement agency has adopted orientation and training regarding the new policy.

PUBLIC 371 An Act To Amend the Sex Offender Registration and Notification Laws

LD 1514

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN J CARPENTER	OTP-AM MAJ ONTP MIN	H-420

Public Law 2003, chapter 371 makes several changes to the sex offender registration and notification laws. Public Law 2003, chapter 371 does the following.

1. It expands the definition of "sex offense" to include 2 crimes regarding sexual exploitation of minors. The crimes of dissemination of sexually explicit materials and possession of sexually explicit materials are added to the definition of "sex offense."
2. It repeals a provision of law that requires the Department of Public Safety, State Bureau of Identification to maintain a directory of sexually violent predators. This provision is redundant, since Title 34-A, section 11221, subsection 1 requires the bureau to maintain a registry of all persons required to register under the chapter.
3. It clarifies the process for distribution of sex offender and sexually violent predator registration information to the Department of Corrections and law enforcement agencies and clarifies what access to that information the public and sex offenders or sexually violent predators have.
4. It clarifies that a sex offender or sexually violent predator shall notify the Department of Public Safety, State Bureau of Identification in writing when that person's place of employment or college or school changes, as a sex offender or sexually violent predator is required to do for a change in domicile.

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5. Since every state does not use the terms "sex offender" and "sexually violent predator," this bill specifies that a person required under another jurisdiction to register pursuant to that jurisdiction's registration statute shall register in this State when establishing domicile here or when employed or attending school here.
6. It adds county jails and state mental health institutes to the list of entities required to provide notification to the Department of Public Safety, State Bureau of Identification of a sex offender's or sexually violent predator's conditional release or discharge from that entity's facility.
7. It addresses an evidentiary issue by creating a provision that is similar to that authorizing the Secretary of State to use computer transcripts as evidence. Public Law 2003, chapter 371 specifies that a signed and sworn certificate by the custodian of the records of the Department of Public Safety, Bureau of State Police, State Bureau of Identification is admissible in a judicial or administrative proceeding as prima facie evidence of any fact stated in the certificate or in any documents attached to the certificate. This change eliminates the need to bring the custodian of the records to the court.
8. It also clarifies that a court determines at the time of sentencing whether a person is a sex offender or sexually violent predator.

PUBLIC 393 An Act To Protect Public Safety Using DNA Data of Juvenile Violent Offenders

LD 380

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAIRCLOTH BRENNAN	OTP-AM MAJ ONTP MIN	H-313

Public Law 2003, chapter 393 subjects a juvenile to DNA testing if the juvenile is adjudicated of committing a specific juvenile crime that, if committed by an adult, would constitute an offense listed in the Title 25, section 1574, subsection 6. This change would subject juveniles to DNA testing for only the most violent crimes, the list of which is more limited than the list of crimes for which adults must submit to DNA testing. Public Law 2003, chapter 393 also allows for the collection of biological samples, instead of only blood draws, for DNA testing. The process for collection of biological samples other than blood draws is less complicated, less expensive and less invasive. This change would apply to both juvenile and adult offenders subject to DNA testing requirements.

PUBLIC 410 An Act To Amend the Department of Corrections' Laws Pertaining to Juvenile Offenders

LD 1592

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUNKER HATCH PH	OTP-AM	H-473

Public Law 2003, chapter 410 eliminates terms of imprisonment in county jails for juveniles who commit adult offenses under Titles 12 and 29-A, such as operating after suspension, night hunting and operating an ATV on a public way, but provides, if the juvenile doesn't comply with the sentence given, the juvenile commits a juvenile crime.

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Public Law 2003, chapter 410 amends the purposes of juvenile institutions to eliminate the references to preliminary hearings since these are no longer held for juveniles. Public Law 2003, chapter 410 amends the definition of "juvenile detainee" to include a juvenile detained for a drug court sanction under Title 15, section 3312, subsection 3, paragraph D. This clarifies that juveniles sanctioned by a drug court are considered detainees under the provisions of Title 34-A. Public Law 2003, chapter 410 clarifies that the Long Creek Youth Development Center and the Mountain View Youth Development Center are both detention and correctional facilities. Public Law 2003, chapter 410 also replaces references to "aftercare" with "community reintegration" throughout Title 34-A to reflect current terminology. Finally, Public Law 2003, chapter 410 allows a juvenile detainee to be hospitalized in a nonstate psychiatric hospital if ordered by the court by way of a procedure known as the "blue paper" process.

PUBLIC 413 An Act To Amend the Laws Regarding Prisoner Participation in Public Works Projects

LD 1622

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		H-513 BUNKER

Public Law 2003, chapter 413 amends the laws regarding prisoner participation in public works projects.

Public Law 2001, chapter 171 authorized county sheriffs instead of a court to make decisions concerning prisoner employment, participation in public works and participation in electronic monitoring and intensive supervision outside the jail. However, the law repeals that authorization 90 days after the adjournment of the First Regular Session of the 121st Legislature. Public Law 2003, chapter 413 repeals the reversion to the courts so that county sheriffs will continue to make decisions regarding prisoner participation in employment, public works, electronic monitoring and intensive supervision. Public Law 2003, chapter 413 also directs that the wages or salaries of employed prisoners and employment income of self-employed prisoners must be disbursed by the sheriff for fines, forfeitures and penalties, attorney's fees and surcharges after the wages or salaries are disbursed for the prisoner's board, the prisoner's work-related expenses, the prisoner's support of that prisoner's dependents and for restitution to victims.

PUBLIC 443 An Act To Improve the Procedure for Locating Runaway Children

LD 956

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N	ONTP MAJ	H-367
MARTIN	OTP-AM MIN	

Public Law 2003, chapter 443 allows a law enforcement agency having original responsibility over a missing child report involving a child who is a runaway from the Department of Human Services interim care that includes temporary shelter to transfer responsibility for investigating the case to the law enforcement agency having jurisdiction over a location in this State that is believed to be the permanent residence of the runaway child. A transfer of responsibility may be made after the child has been a missing child for at least 48 hours, but no more than 60 days, if the chief administrative officer of the law enforcement agency determines that it is in the best interest of finding the child. Public Law 2003, chapter 443 is repealed July 1, 2005.

PUBLIC 461 An Act to Control County Jail and Correctional Facility Health

LD 808

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Care Expenses Incurred outside the Facilities

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUNKER CARPENTER	OTP-AM	H-365

Public Law 2003, chapter 461 limits the amount a county may pay a health care provider for health care services, goods, prescriptions and medications supplied to a prisoner only to the amount equal to the reimbursement rate applicable to that provider and that service as established by rule of the Department of Human Services for the MaineCare program under the Maine Revised Statutes, Title 22. The reimbursement rate applies only to services and medications provided to an inmate outside a county jail. The reimbursement rate does not apply to any contracts for services within county jails.

PUBLIC 475 An Act To Ensure Effective Prosecution of Certain Repeat Offenders LD 976

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE	OTP-AM	S-33

Public Law 2003, chapter 475 amends the provision of the Maine Criminal Code that allows enhanced prosecution of persons for certain crimes who have at least 2 previous convictions for certain offenses by adding references to a crime that is not in chapter 9, 11, 13 or 27 of the Maine Criminal Code. Aggravated criminal trespass in the Maine Revised Statutes, Title 17-A, section 402-A, subsection 1, paragraph A always includes within its proof the commission of a crime in chapters 9 or 11 of the Maine Criminal Code, but aggravated criminal trespass is in chapter 17 and therefore currently does not raise the sentencing category for certain subsequent crimes. Public Law 2003, chapter 475 also adds aggravated criminal trespass to the list of crimes for which enhanced prosecution may be sought in the case of a defendant who has prior convictions for certain crimes.

PUBLIC 476 An Act To Increase Penalties for Furnishing or Trafficking Scheduled Drugs That Cause Death or Serious Bodily Injury LD 944

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUNKER HATCH PH	OTP-AM	H-157 S-93 MARTIN

Public Law 2003, chapter 476 increases the penalties for trafficking or furnishing schedule W drugs or a counterfeit scheduled drug when death or serious bodily injury results from the use of the drug, as in cases of accidental overdoses. The law does the following:

1. Makes it a Class A crime with the possibility of a 4-year mandatory minimum sentence when death occurs from the aggravated trafficking of a schedule W drug;

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2. Makes it a Class B crime with the possibility of a 2-year mandatory minimum sentence when death occurs from the aggravated furnishing of a schedule W drug, when serious bodily injury occurs from aggravated trafficking of a schedule W drug or when death or serious bodily injury occurs from the aggravated trafficking or aggravated furnishing of a counterfeit scheduled drug; and
3. Make it a Class C crime when serious bodily injury occurs from the aggravated furnishing of a schedule W drug.

The changes add such situations to the existing list of aggravating circumstances that already provide for increased penalties, such as furnishing or trafficking within 1,000 feet of a school or to a child under 18 years of age. The death or serious bodily injury need not be reasonably foreseeable by the defendant; it is sufficient if the death would not have happened but for the use of the drug, either alone or concurrently with another cause, unless the concurrent cause was clearly sufficient to produce the result, and the conduct of the defendant was clearly insufficient.

Public Law 2003, chapter 476 provides for an affirmative defense if the defendant believed that death or serious bodily injury was not reasonably foreseeable from the use of the lawfully possessed scheduled drug that was unlawfully furnished. The affirmative defense would be available only when a prescription medication was lawfully prescribed to the defendant, the defendant unlawfully furnished the medication without payment or other consideration and death or serious bodily injury resulted that was not reasonably foreseeable. In assessing whether the death or serious bodily injury was foreseeable, a jury shall consider the factual circumstances surrounding the furnishing, the total quantity of the drug furnished, the dosage of the units furnished, the nature of the drug, the overdose risk presented by its use and any safety warnings provided to the defendant at the time of dispensing.

PUBLIC 482 An Act To Improve Conditions for Inmates with Mental Illness

LD 475

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY DAGGETT	OTP-AM	H-548 S-260 STRIMLING

Public Law 2003, chapter 482 accomplishes the following.

1. It directs sheriffs to establish boards of visitors for county jails.
2. It rewords a provision of Title 34-A to clarify that a chief administrative officer shall make an application for involuntary hospitalization of an inmate when that inmate has been determined by a competent medical authority to require inpatient treatment for mental illness.
3. It requires the Department of Behavioral and Developmental Services to review the use of seclusion and restraint with prisoners with major mental illness and annually report findings and recommendations to the Commissioner of Corrections and the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters.
4. It directs the Department of Corrections to assist the department's correctional officers assigned to inmate discharge planning in increasing their understanding of the services and supports available in the State for inmates with mental illness or substance abuse diagnoses.

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PUBLIC 495 An Act to Adopt a New Interstate Compact Regarding Adults Who are on Probation and Parole

LD 311

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN J	OTP-AM	H-210 S-293 CATHCART

Public Law 2003, chapter 495 creates the Interstate Compact for Adult Offender Supervision. The law enters Maine into a compact among enacting states to oversee, supervise and coordinate the interstate movement of adult offenders who are on probation or parole. The compact creates a governing body called the Interstate Commission for Adult Offender Supervision made up of representatives from the enacting states, which has rulemaking, enforcement and other powers. The compact currently is in effect in over 40 states. The law deappropriates \$23,000 in fiscal years 2003-2004 and 2004-2005 from the Adult Community Corrections program within the Department of Corrections, and appropriates \$23,000 from the General Fund in fiscal years 2003-2004 and 2004-2005 to cover association dues and transportation costs.

PUBLIC 500 An Act To Adopt an Interstate Compact for Juveniles on Probation and Parole

LD 1323

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN J	OTP-AM	H-209

Public Law 2003, chapter 500 creates the Interstate Compact for Juveniles. The law enters Maine into a compact among enacting states to oversee, supervise and coordinate the interstate movement of juveniles who are on probation or parole. The compact creates a governing body called the Interstate Commission for Juveniles made up of representatives from the enacting states, which has rulemaking, enforcement and other powers. The compact becomes effective upon enactment by the 35th state.

PUBLIC 503 An Act To Improve Access by the Department of Corrections to Federal Funds under Title IV-E of the Federal Social Security Act

LD 1498

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING GERZOFKY	OTP-AM	S-118 S-301 CATHCART

Public Law 2003, chapter 503 amends the Maine Revised Statutes, Title 15, section 3314, subsection 1, paragraph H so that when a juvenile is given a "shock" sentence, or 30-day short term sentence, the court must make the reasonable-efforts determination required for federal funding under Title IV-E of the Social Security Act. Public Law 2003, chapter 503 also amends Title 15, section 3314, subsection 2 to add a provision so that whenever a probation revocation results in a juvenile's being committed to a department facility, whether for an indeterminate time or for a "shock" sentence, the court must make the reasonable-efforts determination required for federal funding under Title IV-E of the Social Security Act. Similarly, Public Law 2003, chapter 503 amends Title 15, section 3314 so that the determination is made whenever a court orders continued detention pending a

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probation revocation. Compliance with the requirements of Title IV-E is necessary to receive federal funds for juveniles who are placed outside of their homes. Finally, Public Law 2003, chapter 503 amends Title 15, section 3315, subsection 3 to end the reviews of these reasonable-efforts determinations once a juvenile reaches 18 years of age, when eligibility for federal funding ceases.

RESOLVE 23 Resolve, Directing the Commissioner of Public Safety To Study the LD 1065
Emergency Medical Services System

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL	OTP-AM	H-187
NASS		H-208 BULL

Resolve 2003, chapter 23 directs the Commissioner of Public Safety to conduct a study of the emergency medical services system that includes the following components:

1. An independent assessment of the needs, design and structure of the organization and administration of the emergency medical services system at the regional level;
2. An independent assessment of the needs, design and structure of the organization and administration of the emergency medical services system at the state level; and
3. An independent assessment of the fiscal resources necessary to deliver emergency medical services at the regional and state levels.

The resolve also directs that the study include input and information from various interested parties, enables the commissioner to accept public or private funds and grants for the study, directs the commissioner to report back to the Joint Standing Committee on Criminal Justice and Public Safety and enables that committee to report out legislation concerning the report. The resolve notes that costs of the study are intended to be funded by Other Special Revenue funds and makes an Other Special Revenue funds allocation for this purpose.

RESOLVE 26 Resolve, Regarding Legislative Review of Chapter 15: Batterer LD 1526
EMERGENCY Intervention Program Certification, a Major Substantive Rule of
the Department of Corrections

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Resolve 2003, chapter 26 provides for legislative review of Chapter 15: Batterer Intervention Program Certification, a major substantive rule of the Department of Corrections. The Joint Standing Committee on Criminal Justice and Public Safety authorized final adoption of the rule without amendment.

Resolve 2003, chapter 26 was passed as an emergency measure effective May 16, 2003.

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RESOLVE 33 **Resolve, To Streamline and Encourage Use of the Suspension
Process to Combat Reckless Driving**

LD 705

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT R	OTP-AM	S-110

Resolve 2003, chapter 33 directs the Secretary of State to develop a form for use by law enforcement officers to transmit adverse reports, which enables the Secretary of State to suspend licenses for reckless driving pursuant to Title 29-A, section 2458. The resolve also directs the Maine Criminal Justice Academy and law enforcement agencies to make officers aware and encourage use of the form.

RESOLVE 75 **Resolve, to Improve Community Safety and Sex Offender
EMERGENCY** **Accountability**

LD 372

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL	OTP-AM	H-158
ROTUNDO		S-267 GAGNON

Resolve 2003, chapter 75 establishes the Commission to Improve Community Safety and Sex Offender Accountability. The resolve directs the commission to gather information from public and private entities to examine and recommend changes to current laws governing sentencing, registration, release and placement of sex offenders. The commission is composed of 18 members, and the group has 4 meetings in which to complete its work. The commission shall submit its report to the Legislature, and the Joint Standing Committee on Criminal Justice and Public Safety may report out a single bill related to the study.

Resolve 2003, chapter 75 was passed as an emergency measure effective June 17, 2003.

Education and Cultural Affairs

PUBLIC 4 **An Act To Change the Membership of the Board of Trustees of the
Maine School of Science and Mathematics** **LD 8**

<u>Sponsor(s)</u> YOUNG		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Public Law 2003, chapter 4 changes the membership of the Board of Trustees of the Maine School of Science and Mathematics to allow the chairperson of the Limestone School Board to choose a designee.

PUBLIC 56 **An Act To Establish the Maine Week of Heroes** **LD 477**

<u>Sponsor(s)</u> VAUGHAN EDMONDS		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Public Law 2003, chapter 56 encourages each political subdivision and school administrative unit to observe a Maine Week of Heroes, during the week within which September 11th occurs, to honor the efforts of heroic people in Maine communities.

PUBLIC 57 **An Act To Improve the Method of Reapportionment of School** **LD 527**
EMERGENCY **Boards**

<u>Sponsor(s)</u> NUTTING GAGNON		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Public Law 2003, chapter 57 provides two additional options to the board of directors of a school administrative district that is instituting an approved reapportionment plan that requires a reduction in the number of directors to be elected to represent a member municipality. To avoid the necessity of the existing directors representing the municipality having to cast lots to determine which director or directors position shall terminate in accordance with the reapportionment plan, the law allows one or more directors to voluntarily resign to achieve the necessary reduction and allows the municipality to reduce the number of open positions prior to election.

Public Law 2003, chapter 57 was enacted as an emergency measure effective April 18, 2003.

PUBLIC 103 **An Act To Amend the Maine State Grant Program** **LD 1296**

<u>Sponsor(s)</u> THOMAS CATHCART		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Public Law 2003, chapter 103 provides a description of need for student financial assistance that is consistent with the definition of need used in federal student financial assistance programs.

Education and Cultural Affairs

**PUBLIC 115 An Act Regarding the School Board of the Governor Baxter School
for the Deaf**

LD 420

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUMMINGS	OTP-AM	H-139

Public Law 2003, chapter 115 amends the appointment process for nonvoting student members of the School Board of the Governor Baxter School for the Deaf to provide that nonvoting members appointed by the Governor are not subject to review by the Joint Standing Committee on Education and Cultural Affairs nor subject to confirmation by the Legislature.

**PUBLIC 116 An Act Regarding Age Eligibility for Enrollment in a Public
EMERGENCY Secondary School**

LD 592

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN MARLEY	OTP	

Public Law 2003, chapter 116 authorizes the Commissioner of Education to waive, on a case-by-case basis, age requirements to allow students who have reached 20 years of age before the start of the school year to enroll as public secondary school students.

Public Law 2003, chapter 116 was enacted as an emergency measure effective May 8, 2003.

**PUBLIC 181 An Act To Amend the Laws Governing Home Instruction
EMERGENCY**

LD 160

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON GAGNE-FRIEL	OTP-AM	S-79

Public Law 2003, chapter 181 provides that a child is excused from attending a public day school if the child's parent or guardian provides a written notice of intent to provide home instruction to the Commissioner of Education within 10 calendar days of the beginning of home instruction. This notice must contain a statement of assurance that the home instruction program will provide 175 days of instruction annually, provide instruction in certain subject areas and provide for an annual assessment of the child's academic progress. The law also provides that the Commissioner of Education shall adopt major substantive rules to be consistent with these new requirements.

Public Law 2003, chapter 181 was enacted as an emergency measure effective May 16, 2003.

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PUBLIC 184 An Act Concerning the Processing Time for Substitute and Regular School Employee Fingerprinting

LD 1032

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERRIERE-BOUC	OTP-AM	H-200

Public Law 2003, chapter 184 provides that, beginning with the 2003-2004 school year, a person employed by a school as a substitute and a person who is a regular school employee and who also needs fingerprinting and a criminal history record check must be issued a temporary approval card by the Department of Education and must meet the fingerprinting and criminal history record check requirements within 8 weeks of employment. The law also provides that, for a person employed as a substitute and for a person who is a regular school employee and who has been fingerprinted pursuant to criminal history record check requirements, the temporary approval card remains valid until the Commissioner of Education determines whether approval is granted or denied based on the criminal history record information obtained from the State Bureau of Identification.

PUBLIC 187 An Act To Increase Access to Higher Education EMERGENCY

LD 326

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN KANE	OTP-AM	S-71

Public Law 2003, chapter 187 increases the number of foster care residents who are eligible for a tuition waiver at state postsecondary educational institutions from 25 to 30 new students per year in each year. The law also provides that the 5 additional tuition waivers must be available to eligible persons at state postsecondary educational institutions as follows: 3 must be available to eligible persons at the University of Maine System; and 2 must be available to eligible persons at the Maine Community College System.

Public Law 2003, chapter 187 was enacted as an emergency measure effective May 16, 2003.

PUBLIC 271 An Act To Establish Consistent Requirements for High School Course Credits and Diploma Eligibility

LD 987

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL GAGNE-FRIEL	OTP	

Public Law 2003, chapter 271 makes the law regarding transfer of credit for equivalent instruction at nonapproved private schools consistent with earned credit for homeschool instruction by adding the authority for a principal to require student testing before transferring credit for equivalent instruction. The bill also predicates award of a high school diploma on a student's satisfying both course credit and other requirements set by a local school board.

Education and Cultural Affairs

PUBLIC 300 An Act To Reimburse the State Poet Laureate and To Provide Access to the State Poet Laureate's Services

LD 84

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER TREAT	OTP-AM	H-392

Public Law 2003, chapter 300 establishes the State Poet Laureate Reimbursement Fund within the Maine Arts Commission as an Other Special Revenue Funds account. The fund is administered by the commission and may provide funds to nonprofit public agencies and to schools in Maine to reimburse the State Poet Laureate for the cost of travel and related expenses associated with bringing the services of the State Poet Laureate to the community.

PUBLIC 314 An Act Relating to Portable Classrooms for Certain Cases

LD 842

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS J	OTP-AM	H-351

Public Law 2003, chapter 314 provides that a school administrative unit engaged in a lease agreement for temporary interim nonadministrative space may be eligible for state support beyond the 5-year limit if the school unit has a major capital improvement application or a school revolving renovation fund application on file with the Department of Education and is not rated high enough by the Department of Education using the department's rating scale compared to other school units to obtain funding to correct problems with its facilities. The law also provides criteria that the State Board of Education must use when making a determination on a school unit's appeal for relief from an undue burden presented by this statutory requirement.

PUBLIC 325 An Act Regarding School Bus Contracts EMERGENCY

LD 1564

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE DOUGLASS	OTP-AM	H-364

Public Law 2003, chapter 325 allows the Commissioner of Education to authorize a one-year extension of a 5-year contract for transportation of public school students when such an extension would be beneficial to a school administrative unit.

Public Law 2003, chapter 325 was enacted as an emergency measure effective May 27, 2003.

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PUBLIC 354 **An Act To Ensure Timely Responses to Requests for School**
EMERGENCY **Administrative District Reapportionments**

LD 541

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL LEDWIN	OTP-AM	S-174

Public Law 2003, chapter 354 requires the Commissioner of Education to make a determination whether a school administrative district needs to be reapportioned within 30 days of receiving a request by the board of directors or a petition from district voters. The law also clarifies the duties of the Commissioner of Education in ordering the establishment of a reapportionment committee.

Public Law 2003, chapter 354 was enacted as an emergency measure effective May 30, 2003.

PUBLIC 427 **An Act To Amend the Educators for Maine Program**

LD 1340

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUMMINGS	OTP	

Public Law 2003, chapter 427 makes modifications to the Educators for Maine Program administered by the Finance Authority of Maine. The modifications allow for uniform administration of the program by integrating and coordinating amendments that have been made over several years. The changes allow for consistent treatment for all undergraduate candidates, notwithstanding their course of study. The law also:

1. Clarifies that there are only 2 categories of eligible students: undergraduate and postbaccalaureate;
2. Increases the maximum loan amounts available to students pursuing postbaccalaureate teacher certification from \$1,500 annually to \$2,000 and from up to \$6,000 total to a maximum aggregate loan of \$8,000;
3. Clarifies that no loan recipient may receive loan funds that result in making the total financial aid award exceed the amount it costs the recipient to attend the school;
4. Changes the maximum time to repay the debt to 11 years, to provide for the period between graduation and commencement of the repayment period. It provides that the authority may limit by rule the number of deferments granted to any one student;
5. Allows the authority to forgive loans made to individuals who die or become permanently disabled; and
6. Provides that the authority may use a single master promissory note for multiple disbursement of loans under the program.

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**PUBLIC 445 An Act To Retain Teachers Holding Targeted Need Area
Certificates, Conditional Certificates or Transitional Endorsements**

LD 957

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N BROMLEY	OTP-AM	H-458 H-523 CUMMINGS

Public Law 2003, chapter 445 provides an exception from any amended rules adopted by the State Board of Education that revise the qualifications requirements for targeted need area certificates, conditional certificates or transitional endorsements. Under this law, teachers who were issued targeted need area certificates, conditional certificates or transitional endorsements to teach prior to or during the school year preceding the adoption of revisions to the original rules are exempt from any revision in the qualifications required by amended rules adopted by the State Board of Education for targeted need area certificates, conditional certificates or transitional endorsements, provided that the holder of the targeted need area certificate, conditional certificate or transitional endorsement annually completes the required course work and testing as determined by the Department of Education for the school year preceding the adoption of revisions to the original rules. The law also provides that, until the Department of Education adopts revised rules for targeted need area certificates, the department may issue 2nd and 3rd targeted need area certificates to prelingually deaf applicants provided that an applicant can show evidence of having attempted the Pre-professional Skills Test during the first or 2nd year of holding the targeted need area certificate. Finally, the law directs the Department of Education to consider the need for accommodations for prelingually deaf applicants for targeted need area certificates as the department proceeds with the filing of the revised rule for the remaining portions of Chapter 115: Certification, Authorization and Approval of Education Personnel.

**PUBLIC 472 An Act To Require That Disciplinary, Attendance and Health
Records Be Included in the Records That Follow a Student Who
Transfers to Another School**

LD 262

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL CUMMINGS	OTP-AM	S-189

Public Law 2003, chapter 472 requires that when a student transfers from one school administrative unit to another, the school administrative unit from which the student is transferring must transfer the student's disciplinary records, attendance records and health records to the school administrators at the school administrative unit to which the student is seeking a transfer. The law also clarifies that a student's health records, including records and information pertaining to HIV infection status, health care and treatment, mental health treatment and alcohol and other substance abuse treatment, may not be disseminated as part of a student's health records without the authorization or consent necessary under existing state statutes.

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PUBLIC 474 An Act To Clarify the Intent of School Budget Referendum Language

LD 69

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL TREAT	OTP-AM	H-115

Public Law 2003, chapter 474 adds language to the required format of school referenda articles to explain to the voters the meaning of the terms "foundation allocation," "debt service" and "additional local funds." Under current law, the legislative body of a school administrative unit must vote to raise and appropriate amounts using articles that are worded in "substantially" the same form as is set forth in the Maine Revised Statutes.

PUBLIC 477 An Act To Amend and Improve the Education Laws

LD 1577

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS CUMMINGS	OTP-AM MAJ OTP-AM MIN	S-201

Public Law 2003, chapter 477 amends certain provisions in the education statutes to ensure compliance with new federal requirements, to reflect current practice or to clarify existing state law. The law accomplishes the following:

1. It adds "emotional disability" to the definition of "exceptional student" in the Maine Revised Statutes, Title 20-A, section 7001;
2. It adds "undue burden" as a requirement concerning requests for extension of leased space agreements relating to local school administrative units;
3. It amends the definition of "homeless student" in compliance with the provisions of federal law;
4. It amends the homeless student provisions to be addressed by Department of Education rules to implement federal law;
5. It amends and clarifies the section of the statute defining the tuition rate that may be charged by schools receiving tuition students who are enrolled in regular school day applied technology educational programs at applied technology centers. It adds language establishing the tuition rate that may be charged by the applied technology center, satellite or region; and
6. It amends the statutes regarding local funding requirements for gifted and talented programs by establishing the date for full implementation of the school administrative unit's gifted and talented program to the 2004-2005 school year. The law also provides that, beginning with the 2004-2005 school year, a school administrative unit may request a one-year waiver from the Commissioner of Education on the requirement for fully implementing its plan for phasing in its gifted and talented program.

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PUBLIC 481 **An Act To Implement the Recommendations of the Legislative**
EMERGENCY **Youth Advisory Council**

LD 751

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-295 S-297 CATHCART

Public Law 2003, chapter 481 implements the recommendations of the Legislative Youth Advisory Council. Specifically, this law:

1. Requires the Commissioner of Education, the Secretary of State and the Director of the Office of Substance Abuse within the Department of Behavioral and Developmental Services to develop recommendations for the establishment of a permanent youth advisory committee within the Executive Branch to serve as a resource for any state agency charged with developing, implementing or enforcing programs, policies or laws that apply specifically to youth;
2. Requires the Director of the Office of Substance Abuse to review the procedures used by the office for collecting information on drug and alcohol use among youth, including a review of Washington State's "Healthy Youth Survey," and to report back to the Legislative Youth Advisory Council on options to the existing Maine Youth Drug and Alcohol Use Survey tool that include a more appropriate survey tool and a methodology based on random sampling that provides statistically valid data at the state level and within participating local school districts and expanding the target population of the survey to include not only students who attend school but also home-schooled students and youth who attend school infrequently or have dropped out of school;
3. Requires the Director of the Office of Substance Abuse to review procedures used by the office for awarding grants for youth-related drug and alcohol abuse prevention programs and services to ensure that those grants are being awarded to programs with the highest demonstrated level of effectiveness and in those areas of the State having the highest demonstrated need;
4. Requires the Director of the Office of Substance Abuse and the Commissioner of Education to review and report on procedures for preparing and training teachers and others who administer the Maine Youth Drug and Alcohol Use Survey in the schools to ensure that all persons administering the survey are adequately prepared to perform that task;
5. Requires the Commissioner of Education to review the Project ALERT program and other similar prevention programs and prepare recommendations on the viability of those programs as options to the Drug Abuse Resistance Education, DARE, program in Maine schools;
6. Requires the Commissioner of Education to review the principles and goals of the alcohol and drug use policies for student athletes proposed in the 2002 report by the Youth Policy and Empowerment Project and discuss that report with the Legislative Youth Advisory Council during the fall of 2003;
7. Adds a second Senate member to the Legislative Youth Advisory Council and provides for the legislative chair to alternate every 2 years between the first-appointed House member and the first-appointed Senate member; and

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8. Adjusts the terms of the existing youth members to provide greater consistency in membership and simplicity in the appointment process.

Public Law 2003, chapter 481 was enacted as an emergency measure effective June 23, 2003.

PUBLIC 504 An Act To Implement School Funding Based on Essential Programs and Services

LD 1623

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS CUMMINGS	OTP-AM MAJ ONTP MIN	S-258

Public Law 2003, chapter 504 establishes the Essential Programs and Services Funding Act. The law establishes targets for a transition to a new school funding approach, based on essential programs and services, in order to provide all children with an equitable opportunity to access the resources necessary to achieve the high standards of Maine's system of learning results. Specifically, the law accomplishes the following:

1. It defines the elements of essential programs and services in order to: (a) determine the resources necessary for all students in each school administrative unit; (b) establish the methodology to calculate per-pupil guarantees unique to each school administrative unit based on each unit's personnel profile for years of experience and education level; (c) address providing additional resources for specialized student populations; (d) define the major cost components; (e) provide for targeted funds; and (f) provide for an annual updating of the components;
2. It provides for a transition adjustment to minimize the fiscal impact directly related to the phase-in of this Act;
3. It establishes targets for a transition to an increased state share percentage; and clarifies that the annual targets established for the essential programs and services transition percentage exclude program cost allocation, debt service allocation and adjustments;
4. It incorporates the statutory language necessary to maintain the current distribution method for operating allocation that was established in the School Finance Act of 1995; and establishes July 1, 2005 as the effective date for the repeal of the School Finance Act of 1995 to coincide with the implementation of the transition to a new school funding approach, based on essential programs and services, beginning in fiscal year 2005-06;
5. It establishes that, beginning in fiscal year 2004-05, the pupil counts and the property valuation data used for determination of the state subsidy to be distributed to each school administrative unit will be based on the averages of the annual numbers for pupil count and for property valuation for the most recent 3-year period or the pupil counts and the property valuation data for the most recent year, whichever results in a greater pupil count or a lesser property valuation compared to statewide averages for these factors;
6. It establishes a timeline for reviewing the essential programs and services components by providing that the first review shall begin in fiscal year 2006-07 and that subsequent review cycles shall take place at least every 2 years thereafter; and

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7. It provides that rules adopted to implement the provisions of the Essential Programs and Services Funding Act are major substantive rules.

P & S 14

An Act Regarding University of Maine System Boards of Visitors

LD 1116

Sponsor(s)
DUNLAP

Committee Report
OTP-AM

Amendments Adopted
H-138

Private and Special Law 2003, chapter 14 requires that each board of visitors for each of the 7 universities in the University of Maine System must submit an annual report of its activities to the Board of Trustees of the University of Maine System. The law also requires that the Board of Trustees submit a copy of the annual report of each board of visitors to the Legislature and to the joint standing committee of the Legislature having jurisdiction over education matters annually in January as part of the report required from the Board of Trustees under existing law.

**P & S 20
EMERGENCY**

**An Act To Validate Certain Proceedings Authorizing the Issuance
of Bonds and Notes by School Administrative District No. 71**

LD 1615

Sponsor(s)
MURPHY

Committee Report

Amendments Adopted

Private & Special Law, chapter 20 validates a school construction referendum conducted by Maine School Administrative District No. 71 on October 1, 2002 and authorizes the district to enter into contracts and issue bonds or notes of the district for the project. The validation is necessary because copies of the warrants that were delivered to the towns and posted were not attested. Validation of the referendum will eliminate a legal technicality that could affect the marketability of the bonds or notes to be issued by the district for the project.

Private & Special Law, chapter 20 was enacted as an emergency measure effective May 19, 2003.

RESOLVE 10

**Resolve, Directing the Department of Education To Develop
Guidelines for Outdoor Playground Surfaces**

LD 628

Sponsor(s)
TRAHAN
HALL

Committee Report
OTP-AM

Amendments Adopted
H-150

Resolve 2003, chapter 10 requires the Department of Education to develop and communicate policy guidelines for outdoor playground surfaces at public schools.

Education and Cultural Affairs

RESOLVE 18 **Resolve, Directing the Maine State Cultural Affairs Council To
Examine Available Funding for Local Historical Societies**

LD 1069

<u>Sponsor(s)</u> THOMPSON MAYO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-133
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Resolve 2003, chapter 18 directs the Maine State Cultural Affairs Council to review and study all available funding sources to fund projects for local historical societies to document and preserve the local histories throughout the State. It also directs the Council to submit a report with its findings and any necessary implementing legislation to the Joint Standing Committee on State and Local Government by December 15, 2003.

RESOLVE 48 **Resolve, Directing the Department of Agriculture, Food and Rural
EMERGENCY** **Resources, the Department of Education, the Department of Human
Services and the Department of Labor To Review the 2002 United
States Environmental Protection Agency List of Pesticides
Registered and Classified as Known, Likely or Probable Human
Carcinogens**

LD 199

<u>Sponsor(s)</u> EDER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-323
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Resolve 2003, chapter 48 directs the Department of Agriculture, Food and Rural Resources, the Department of Education, the Department of Human Services and the Department of Labor to review the 2002 EPA list of pesticides registered and classified as known, likely and probable carcinogens and compare it to current department rules governing the purchase and storage of hazardous chemicals. The resolve directs the departments to report back to the Joint Standing Committee on Education and Cultural Affairs with recommendations regarding proposed amendments to current department rules regarding the use and storage of hazardous chemicals by July 1, 2003.

Resolve 2003, chapter 48 was passed as an emergency measure effective May 27, 2003.

RESOLVE 56 **Resolve, Regarding Legislative Review of Chapter 7: Rules
EMERGENCY** **Advancing the Performance of Sound Student Safety Practices in
Maine's Public Schools and Colleges, a Major Substantive Rule of
the Department of Labor, Bureau of Labor Standards, Board of
Occupational Safety and Health**

LD 1508

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-423 H-521 CUMMINGS
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Resolve 2003, chapter 56 requires the Department of Labor, Bureau of Labor Standards, Board of Occupational Safety and Health to amend its provisionally adopted major substantive rules regarding sound student safety

Education and Cultural Affairs

practices in Maine's public schools and colleges. The resolve specifies that the portions of the rule that are authorized for final adoption are only those portions sufficient to permit the Bureau of Labor Standards to communicate allegations of unsafe student conditions in educational institutions and to provide any technical assistance that may be necessary to these educational institutions.

Resolve 2003, chapter 56 was passed as an emergency measure effective June 2, 2003.

RESOLVE 60 **Resolve, Regarding Legislative Review of Portions of Chapter 115:** **LD 1530**
EMERGENCY **Certification, Authorization and Approval of Education Personnel,**
 a Major Substantive Rule of the Department of Education

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-453

Resolve 2003, chapter 60 provides that only specific portions of the provisionally adopted major substantive rule submitted by the Department of Education related to certification, authorization and approval of education personnel are authorized and also provides that the remainder of the provisionally adopted major substantive rule may not be adopted, but rather must be reviewed and resubmitted by the Department of Education. The resolve authorizes the adoption of the proposed provisions to the Administrator Certificates section of the rule only if certain portions of this section of the rule are amended to include references to the Interstate School Leaders Licensure Consortium standards as part of the alternative pathways to certain administrator certificates.

The resolve also requires that, pending the decision of the United States Department of Education on the Maine Department of Education's Consolidated State Application for State Grants under the federal Elementary and Secondary Education Act, the Department of Education shall review and file a revised provisionally adopted major substantive rule. The resolve further requires that the department shall consider the concerns raised by interested parties during public hearings and work sessions on this rule conducted by the Joint Standing Committee on Education and Cultural Affairs related to other portions of the provisionally adopted major substantive rule that are not necessarily subject to the educator quality requirements of the federal Elementary and Secondary Education Act as amended by the No Child Left Behind Act of 2001.

Resolve 2003, chapter 60 was passed as an emergency measure effective June 3, 2003.

RESOLVE 85 **Resolve, To Prepare Maine's Students for Active Citizenship** **LD 425**
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUMMINGS	OTP-AM MAJ	H-239
ROTUNDO	ONTP MIN	H-599 CUMMINGS

Resolve 2003, chapter 85 establishes the 15-member Commission to Study the Scope and Quality of Citizenship Education. The commission is required to solicit and use outside funding to cover all its costs. The commission is also required to submit its report to the Second Regular Session of the 121st Legislature no later than December 3, 2003 and is authorized to submit a bill to the Legislature at the time of submission of its report. Resolve 2003, chapter 85 was passed as an emergency measure effective June 23, 2003.

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PUBLIC 191 **An Act to Allow Members of the Maine Public Drinking Water Commission to Serve More than 2 Consecutive Terms** **LD 147**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN MILLETT	OTP	

Public Law 2003, chapter 191 allows members of the Maine Public Drinking Water Commission to serve more than 2 consecutive terms.

PUBLIC 215 **An Act To Ensure Comprehensive Cancer Control in Maine** **LD 973**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN MCLAUGHLIN	OTP-AM	S-105

Public Law 2003, chapter 215 establishes a cancer prevention and control program to provide leadership for and coordination of cancer prevention, research and treatment activities within the State. The program is authorized to receive federal grant money. The program will consult with statewide organizations concerned with the treatment and prevention of cancer.

PUBLIC 264 **An Act To Include a Representative of Mental Health Providers on the Board of Directors of the Maine Health Data Organization** **LD 421**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERRIERE-BOUCHER BRENNAN	OTP-AM	H-253

Public Law 2003, chapter 264 requires that a representative of mental health providers be appointed to the Board of Directors of the Maine Health Data Organization as one of the 9 members of the board representing providers.

PUBLIC 351 **An Act To Provide Peer Support and Advocacy Services To Participants in the ASPIRE-TANF Program and the Parents as Scholars Program** **LD 878**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERRIERE-BOUCHER MAYO	OTP-AM MAJ ONTP MIN	H-398

Public Law 2003, chapter 351 directs the Department of Human Services to establish a volunteer peer support and advocacy demonstration project in 4 of its offices to provide information, support and advocacy services to ASPIRE-TANF program and Parents as Scholars Program participants. The law requires the department to

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report on the project to the Joint Standing Committee on Health and Human Services by March 1, 2004. The law includes a sunset provision that repeals the project July 1, 2005.

PUBLIC 366 An Act To Delay the Repeal of Laws Governing the State's LD 1491
Response to an Extreme Public Health Emergency

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON NORBERT	OTP	

Public Law 2003, chapter 366 extends the laws on extreme public health emergencies and bioterrorism to October 31, 2005.

PUBLIC 367 An Act To Amend the Laws with Regard to Legislative Reports on LD 1477
Children's Mental Health Services

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE	OTP	

Public Law 2003, chapter 367 reduces the number of reports on children's mental health services that the Department of Behavioral and Developmental Services is required to make to the Joint Standing Committee on Health and Human Services and the Children's Mental Health Oversight Committee from 2 per year to 1 per year.

PUBLIC 368 An Act To Change the Membership of the Review Team for LD 1478
Aversive Behavior Modifications and Safety Devices for Persons
with Mental Retardation or Autism

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN BRENNAN	OTP-AM	H-411

Public Law 2003, chapter 368, changes the membership of the team required to review aversive behavior modification techniques proposed as treatment for an individual with mental retardation or autism by removing from the team the chief administrator and the representative of the program or facility proposing to use the technique. The law makes the same change to the membership of the team required to review the use of devices that reduce or inhibit the movement of an individual with mental retardation or autism.

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PUBLIC 369 **An Act To Extend Licensing Periods for Agencies Providing Mental Health Services** **LD 1488**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN CRAVEN	OTP-AM	S-198

Public Law 2003, chapter 369 extends from 2 to 3 years the maximum time period for a full license to operate an agency or facility to provide mental health services. Public Law, chapter 369 takes effect on October 1, 2003, except that for any agency or facility that currently holds this type of license, the law takes effect after completion of the current license period.

PUBLIC 375 **An Act to Require Disclosure of Retail Prescription Drug Prices** **LD 102**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE TREAT	OTP-AM MAJ ONTP MIN	H-463

Public Law 2003, chapter 375 requires disclosure in writing by the pharmacist when filling a prescription of the usual and customary price and the payment required of the patient. The law imposes these requirements January 1, 2006 or when computer software with regard to prescription drug price and patient payment is updated by a pharmacy, whichever occurs first.

PUBLIC 376 **An Act To Amend the Maine Registry of Certified Nursing** **LD 780**
EMERGENCY **Assistants**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANDREWS DAGGETT	OTP-AM	H-504

Public Law 2003, chapter 376 specifies the health care settings in which employment restrictions on certified nursing assistants apply. It clarifies that the entity responsible for substantiating allegations of abuse or neglect is the Department of Human Services.

Public Law 2003, chapter 376 was enacted as an emergency measure effective June 2, 2003.

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PUBLIC 379 An Act to Ban Smoking in Beano and Bingo Halls

LD 227

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP MAJ	H-309 DUNLAP
MAYO	ONTP MIN	

Public Law 2003, chapter 379 prohibits smoking in places where beano or bingo games are being conducted, but allows smoking in places where high-stakes beano or bingo games are being conducted by a federally recognized Indian tribe.

PUBLIC 384 An Act to Encourage the Use of Generic Drugs

LD 329

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN	OTP-AM	S-191

Public Law 2003, chapter 384 requires a pharmacist to fill a prescription with a generic and therapeutic equivalent of the drug if the prescribing physician does not affirmatively specify that a particular brand-name drug be dispensed. The law contains special considerations for the MaineCare Program.

PUBLIC 388 An Act To Change the Time Requirement for Mental Retardation Evaluations

LD 1480

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WALCOTT	OTP-AM MAJ	H-471
	ONTP MIN	

Public Law 2003, chapter 388 changes the amount of time that the Department of Behavioral and Developmental Services has to obtain a comprehensive evaluation of an applicant for mental retardation services from 30 days to 90 days. The law requires the department to report to the Joint Standing Committee on Health and Human Services by January 30, 2004, on the length of time from application to completion of the comprehensive evaluation report for applicants for mental retardation services during calendar year 2003.

PUBLIC 389 An Act To Amend Laws Relating to Development of Service Plans for Persons with Mental Retardation

LD 1593

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WALCOTT	OTP	

Public Law 2003, chapter 389 amends the laws relating to services for persons with mental retardation to reflect the person centered planning process that is the current practice of the Department of Behavioral and Developmental Services.

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PUBLIC 394 An Act To Honor the Intent of Organ Donors

LD 257

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAIRCLOTH PENDLETON	OTP-AM	H-445

Public Law 2003, chapter 394 states the general rule to honor the intent of a person who has indicated the intention to be an organ donor after death. The law provides a mechanism for overriding that intention. The law requires the Secretary of State's Office to provide information on organ donation to applicants drivers licenses and driving schools and, upon completion of a new computer system, to maintain the Maine Organ Donor Registry. The law becomes effective July 1, 2004.

PUBLIC 398 An Act To Amend the Life Safety Requirements for Residential EMERGENCY Care Facilities

LD 1287

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT FLETCHER	OTP-AM	S-192 S-238 MARTIN

Public Law 2003, chapter 398 clarifies certain changes to the life safety requirements for residential care facilities. It exempts residential care facilities with 4 or fewer beds from the requirements of certification by a design specialist.

Public Law 2003, chapter 398 was enacted as an emergency measure effective June 3, 2003.

PUBLIC 399 An Act To Improve Out-of-home Abuse and Neglect Investigations

LD 1314

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE BRENNAN	OTP-AM	H-459

Public Law 2003, chapter 399 requires the Department of Human Services' out-of-home abuse and neglect investigating team to initiate an investigation within 72 hours or request a safety plan when a report alleging jeopardy to a child in a residential care facility has been made. It requires the team to complete investigations within 6 months, except in circumstances when the information needed to complete the investigation is unavailable. The law also requires the team, in its investigative report, to specify whether the allegations have been substantiated and identify the responsible party. Finally, the law specifies that findings of out-of-home abuse and neglect are subject to the due process requirements of the Maine Administrative Procedures Act.

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PUBLIC 408 An Act To Implement Federal Requirements in Child Protection Matters

LD 1597

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN KANE	OTP-AM	S-221

Public Law 2003, chapter 408 amends the laws governing cases in which a court orders the removal of a child from a home. It also amends the laws governing court review of cases in which a court has made a jeopardy order and the laws governing when the Department of Human Services must file a termination petition.

PUBLIC 411 An Act To Effectively Separate Children's Homes from Adult Residential Care Facilities Regarding Fire Safety

LD 1542

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE WESTON	OTP-AM	H-487

Public Law 2003, chapter 411 applies the bill's requirements for children's homes with 7 to 16 beds to homes with 4 to 16 beds. It clarifies the requirement for facilities with 6 or fewer beds.

PUBLIC 416 An Act To Implement Regulatory Reforms and To Address Staffing EMERGENCY Issues in Long-term Care Facilities

LD 1607

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL MARTIN	OTP-AM	H-525

Public Law 2003, chapter 416 amends the shared staffing provision of law, directs the long-term care ombudsman program to study long-term care eligibility assessments and reassessments, directs the State Board of Nursing to study the educational requirements for certified nursing assistants and directs the Nursing Home Administrators Licensing Board to study the requirements for nursing home administrators. The law adds members to the group of interested parties who will review improvements to nursing facility inspection activities and includes a study of assessments for cognitive needs.

Public Law 2003, chapter 416 was enacted as an emergency measure effective June 4, 2003.

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PUBLIC 417 An Act To Amend the Laws Governing the Maine Developmental Disabilities Council

LD 1099

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY DUDLEY	OTP-AM	S-183

Public Law 2003, chapter 417 removes the Maine Developmental Disabilities Council from within the Department of Behavioral and Developmental Services and establishes the council as an independent advisory agency. The law clarifies that employees of the council are not considered state employees except for the purposes of the state retirement system, the state employee health program and the Maine Tort Claims Act.

Public Law 2003, chapter 417 takes effect September 30, 2003.

PUBLIC 418 An Act to Ensure Patient Access to Medical Records

LD 363

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS J	OTP MAJ ONTP MIN	

Public Law 2003, chapter 418 establishes the maximum amount that a patient may be charged to obtain a copy of the patient's medical records and allows patient's authorized representative to receive medical records.

PUBLIC 419 An Act To Improve Complaint Resolution and Hearing Procedures in the Department of Human Services

LD 1356

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT DUGAY	OTP-AM MAJ ONTP MIN	S-233

Public Law 2003, chapter 419 provides limitations on the authority of the Department of Human Services to recover overpayments, amends the informal appeal process, allows arbitration and restricts the sanction of total recoupment. It requires MaineCare provider relations personnel to assist MaineCare providers in addressing and resolving disagreements and corrects outdated language. It requires rulemaking to define the ownership and control relationships that apply in MaineCare offset situations. It requires a report from the Department of Human Services and the Department of Behavioral and Developmental Services on recommendations regarding complaint resolution and the hearing process.

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PUBLIC 421 An Act To Revise and Amend Certain Public Health Laws

LD 1602

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE WESTON	OTP-AM	H-505

Public Law 2003, chapter 421 defines columbarium and community mausoleum. It also inserts the word "community" to distinguish between the burial of dead human remains in a community mausoleum or other structure and the burial of dead human remains in a privately owned or family mausoleum, which is limited to six or fewer crypts.

This law amends the cancer registry laws to call for reporting certain benign tumors and to extend certain reporting deadlines and amends the childhood lead poisoning laws.

PUBLIC 430 An Act To Require Full Disclosure of Prescription Drug Marketing Costs

LD 254

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE TREAT	OTP-AM MAJ ONTP MIN	H-465

Public Law 2003, chapter 430 requires prescription drug manufacturers and labelers whose drugs are dispensed to state residents to file annual reports with the Department of Human Services regarding their expenses for marketing their drugs. The law requires the department to file an annual report with the Legislature and the Attorney General regarding the information filed and a biennial report that contains analysis of information and recommendations. The law continues the confidentiality of trade information that is protected under state and federal law. The law provides for a fine of \$1,000 for failure to report as required. The law provides for rulemaking by the department and contains an effective date of July 1, 2004. The law directs the Department of Human Services to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 2005 and July 1, 2005 regarding assessment of fees on prescription drug manufacturers and labelers and the use of those fees to support the work of the department.

PUBLIC 444 An Act To Regulate the Delivery and Sales of Tobacco Products and To Prevent the Sale of Tobacco Products to Minors

LD 1236

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUMMINGS DAGGETT	OTP-AM MAJ ONTP MIN	H-538

Public Law 2003, chapter 444 prohibits the delivery of tobacco products in the State from unlicensed retailers. It requires the Attorney General to make available lists of licensed and known unlicensed tobacco retailers. It prohibits unlicensed sales of tobacco products using telephonic or other electronic method of voice transmission or delivery services or the Internet. It imposes requirements on delivery sales and provides for enforcement by the

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Attorney General. It provides for seizure and forfeiture of contraband products in the same manner as and in accordance with the provisions applicable to contraband cigarettes.

PUBLIC 449 An Act To Preserve the Role of Assisted Living

LD 1197

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO	OTP-AM MAJ	S-236
KANE	ONTP MIN	

Public Law 2003, chapter 449 clarifies that a license is not required to operate an independent housing with services program. It clarifies that the rules that apply to assisted living programs do not apply to independent housing with services programs. It requires that rules for assisted living programs be consistent with federal tax requirements for projects financed by low-income housing tax credits. It requires the Maine State Housing Authority to apply for a private letter ruling regarding tax credit financed projects and the rules of the Department of Human Services and requires a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters. It requires the Department of Human Services and the Maine State Housing Authority to work with interested parties on landlord-tenant responsibilities as they pertain to assisted living programs. It directs the Department of Human Services to amend the rules for independent housing with services programs to allow for copayments of 20% to 40% of the cost of services.

PUBLIC 456 An Act To Protect Against Unfair Prescription Drug Practices

LD 554

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM MAJ	S-204
LEMOINE	ONTP MIN	

Public Law 2003, chapter 456 specifies the fiduciary duties of pharmacy benefits managers and the obligation to serve the covered entities with whom they contract and the covered individuals provided health care benefits by the covered entities. The law requires disclosure of financial terms that apply between a pharmacy benefits manager and a manufacturer or labeler. The law requires consultation with and agreement of the prescribing health professional or a representative of that professional before a pharmacy benefits manager may switch a prescription drug to be dispensed to a covered individual. The law prohibits agreements to waive provisions of the law. Violations of the law are violations of the Maine Unfair Trade Practices Act and are enforceable by private action or the Attorney General.

PUBLIC 465 An Act To Establish the Long-term Care Oversight Committee **EMERGENCY**

LD 57

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE	OTP-AM	H-443
PENDLETON		S-276 GAGNON

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Public Law 2003, chapter 465 establishes the Long-term Care Oversight Committee to oversee policies and programs in the Department of Human Services with regard to long-term care for adults with disabilities and the elderly. The Committee, composed of 3 legislators and 14 public members, may meet up to 4 times per year and is required to submit an annual report to the Health and Human Services Committee.

Public Law 2003, chapter 465 was enacted as an emergency effective June 18, 2003.

PUBLIC 467	An Act To Improve the Fairness of the Health Care Provider Tax and To Ensure Fair Implementation of Health Care Reimbursement Reforms	LD 1293
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<u>Sponsor(s)</u> MARTIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-220
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Public Law 2003, chapter 467 makes technical corrections to the laws imposing the health care provider tax. It authorizes the Health and Human Services Committee to consider long-term care financing, including dedication of the health care provider tax and statutory requirements for enhanced reimbursement levels and to report out a bill to the Second Regular Session of the 121st Legislature.

PUBLIC 469	An Act To Provide Affordable Health Insurance to Small Businesses and Individuals and To Control Health Care Costs	LD 1611
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<u>Sponsor(s)</u> O'NEIL TREAT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-565 S-288 TREAT
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Public Law 2003, chapter 469 establishes Dirigo Health as an independent executive agency to arrange for the provision of health coverage to small employers and their employees and dependents and to individuals on a voluntary basis. Dirigo Health is also required to monitor and improve the quality of health care in this State. Dirigo Health is governed by a board of directors. Five voting members must be appointed by the Governor and confirmed by the Legislature.

Dirigo Health must contract with health insurance carriers to offer health insurance to eligible small businesses and individuals through Dirigo Health Insurance. The health insurance benefits must be determined by the board and must comply with all statutory requirements of the Maine Insurance Code, including mandated benefits. The law also provides additional assistance through subsidies, based on a sliding scale, to employees and individuals with earnings below 300% of the federal poverty level who are enrolled in Dirigo Health. Employers who participate in Dirigo Health Insurance may be required to contribute up to 60% toward the cost of coverage for employees who work at least 20 hours per week and their dependents. The employer contribution rate for employees who work less than full time must be prorated. Coverage through Dirigo Health Insurance must begin no later than October 1, 2004.

In the first year of operation, funding for Dirigo Health is provided through the General Fund. After July 1, 2005, funding for subsidies and the Maine Quality Forum must be provided through savings offset payments paid by health insurance carriers, employee benefit excess insurance carriers and third-party administrators. The board of

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directors is required to establish the savings offset amount, not to exceed 4% of annual premium revenue or its equivalent, on an annual basis and those savings offset payments may not exceed the aggregate cost savings attributable to reductions in bad debt and charity care costs as a result of the operation of Dirigo Health and the expansion in MaineCare.

The law expands MaineCare coverage for children and adults and provides coverage for expansion enrollees who enroll individually and who enroll through Dirigo Health as part of an employer group. The expansion of MaineCare eligibility may not become effective until Dirigo Health becomes operational. Monthly reporting on the noncategorical adult MaineCare expansion will be required to monitor enrollment.

Within Dirigo Health, the law establishes a high-risk pool for persons whose care costs are over \$100,000 per year and for those with certain named diagnoses. It requires Dirigo Health to develop disease management protocols for persons in the high-risk pool. If after 3 years Dirigo Health underperforms relative to the trends in average premium rates and average rates of uninsured individuals compared to those trends in states with high-risk pools, Dirigo Health is charged with submitting legislation to create a high-risk pool on January 1, 2008.

The law establishes the Maine Quality Forum within Dirigo Health to collect and disseminate research, adopt quality and performance measures, coordinate quality data, issue quality reports in conjunction with the Maine Health Data Organization, conduct consumer education and technology assessment reviews, encourage the adoption of electronic technology, make recommendations for the biennial State Health Plan and issue an annual report. The Maine Quality Forum Advisory Council is established to assist the board and the forum. The Maine Health Data Organization will adopt rules to collect data on health care quality based on the quality measures adopted by the Maine Quality Forum and issue reports on health care services, costs and quality.

The law requires the Governor to issue a biennial State Health Plan and establishes an advisory council to assist in the development of the plan. Part B also establishes the capital investment fund, an annual limit for resources allocated under the certificate of need program. Within the capital investment fund, 12.5% of the total is required to be designated for nonhospital projects for a period of 3 years. The law specifies that a certificate of need or public financing that affects health care costs may not be provided unless it meets the goals and budgets in the State Health Plan.

The law applies certificate of need (CON) requirements to the portions of an ambulatory surgical facility used by patients or to support ambulatory surgical care and to new technology that costs over \$1,200,000 in the office of a private practitioner. It establishes an automatic adjustment to the CON thresholds based on the Consumer Price Index, medical index. It expands the bases on which the Commissioner of Human Services makes CON decisions, adding consistency with the State Health Plan, reference to quality outcomes, reference to inappropriate increases in service utilization and the limits of the capital investment fund. It allows the Commissioner of Human Services to receive reports from a panel of experts on CON applications and requires evaluations from the Department of Human Services, Bureau of Health and the Superintendent of Insurance. It requires hospitals and health care practitioners to make information on the charges for commonly offered health care services available to the public.

The law requires health care practitioners to submit claims to health insurance carriers in electronic format beginning October 16, 2003. Until October 16, 2005, health care practitioners with fewer than 10 full-time equivalent employees are not required to submit claims electronically. After that date, those practitioners may apply to the Superintendent of Insurance for an exemption from the electronic claims filing requirement.

The law requires the Superintendent of Insurance to adopt rules for the filing of annual report supplements by health insurers and health maintenance organizations. It requires small group health plans to submit rate filings to the Superintendent of Insurance and imposes rate hearings and rate reviews on those filings unless a carrier opts

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to guarantee a 78% loss ratio or refund excess premiums. It requires individual and small group health insurance rates to reflect savings offset payments and any recovery of those offsets in premium rates. It requires large group health carriers to file annually certification that rating practices and methods meet actuarial principles and that savings offset payments and recovery offsets have been properly included in the filing. It allows managed care health plans to apply to the Superintendent of Insurance for permission to offer health plans with financial incentive provisions to encourage the use of designated providers of specialty and hospital care if the plan does not exceed the Bureau of Insurance Rule Chapter 850 travel standards by 100% and meets quality criteria. The Superintendent of Insurance is required to adopt rules relating to quality criteria by January 1, 2004 and submit those rules for legislative review before final adoption. The provision regarding managed care plans offering health plans with financial incentive provisions is repealed on July 1, 2007 unless continued by the Legislature. It requires the Superintendent of Insurance to conduct a study of the impact of a cap of \$250,000 on noneconomic damages in medical malpractice lawsuits on the cost of medical malpractice insurance.

The law sets voluntary constraints on financial growth for a period of one year by health care practitioners, hospitals and health insurance carriers. It also requires the Governor's Office of Health Policy and Finance and the Maine Hospital Association to agree on a timetable, format and methodology for reporting on hospital charges, cost efficiency and consolidated operating margins. It requires the Department of Human Services to conduct a comprehensive study of MaineCare reimbursement rates and to report by January 15, 2005. It establishes the Commission to Study Maine's Hospitals and requires that commission to report by November 1, 2004.

The law requires the Governor to work to improve access to care for veterans and to improve Medicare reimbursements for Maine providers and establishes a task force to study health care services provided to Maine veterans.

The law restores \$500,000 in General Fund money to restore the physician incentive payment program within the MaineCare program.

PUBLIC 493 An Act To Protect Workers from Secondhand Smoke and To LD 1346
Promote Worker Safety

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER	OTP-AM MAJ	S-249
DUPLESSIE	ONTP MIN	

Public Law 2003, chapter 493 bans smoking in taverns and lounges, except that it allows smoking in designated smoking areas in off-track betting facilities and simulcast racing facilities at commercial tracks.

Public Law 2003, chapter 493 takes effect January 1, 2004.

PUBLIC 494 An Act To Improve the Maine Rx Program LD 1634

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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT KANE		H-570 BRANNIGAN

Public Law 2003, chapter 494 enacts the Maine Rx Plus Program, amending the Maine Rx program that was upheld in the U.S. Supreme Court in the spring of 2003. The law imposes an income eligibility limit for the Maine Rx Plus program of 350% of the federal poverty level. The law corrects dates for the program and adds a quality assurance component. The law transfers funds from the General Fund to the Department of Human Services to implement and operate Maine Rx Plus.

P & S 21 An Act to Elevate the Standards of Foster Parenting in the State LD 239

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERRIERE-BOUCHER BRYANT	OTP-AM	H-399

Private and Special Law 2003, chapter 21 specifies that the Department of Human Services must require its Foster/Adoptive Parent Advisory Committee to report to the Joint Standing Committee on Health and Human Services every 6 months. The law also requires the Foster/Adoptive Parent Advisory Committee to have a foster or adoptive parent as one of the cochairs of the committee.

P & S 24 An Act to Keep Foster Children Safe and Healthy LD 55

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERRIERE-BOUCHER BRENNAN	OTP-AM MAJ ONTP MIN	H-170 H-240 TRAHAN

Private and Special Law 2003, chapter 24 requires the Department of Human Services to adopt rules on smoking in foster homes and in private vehicles of foster parents. The amendment designates the rules as major substantive rules.

RESOLVE 11 Resolve, To Amend the Laws Governing the Health Care LD 201
Workforce Leadership council

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A MARTIN	OTP-AM	H-163

Resolve 2003, chapter 11 amends Resolve 2001, chapter 89, which established the Health Care Workforce Leadership Council. Because members of the council were appointed late, the council was unable to meet the

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deadline for their interim report. This resolve sets a date for the interim report in November 2003, retains the final report deadline of November 3, 2004 and requires that the interim and final reports also address the potential role of and need for a permanent health care workforce council or center.

Health and Human Services

RESOLVE 17 **Resolve, Directing the Department of Behavioral and Developmental Services To Conduct a Study Regarding a Registry of Direct Care Workers Working with Persons with Mental Retardation** **LD 95**

<u>Sponsor(s)</u> DUDLEY MARTIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-162
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Resolve 2003, chapter 17 directs the Department of Behavioral and Developmental Services to conduct a study regarding the creation of a registry for direct care workers working with persons with mental retardation. The law requires the department to report the results of its study to the Joint Standing Committee on Health and Human Services by December 1, 2003.

RESOLVE 24 **Resolve, To Enhance Services to Children and Families** **LD 558**
EMERGENCY

<u>Sponsor(s)</u> LAVERRIERE-BOUCHER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-293
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Resolve 2003, chapter 24 requires the Department of Human Services to adopt routine technical rules on matters relating to levels of care in the foster care system, including assessment of children and reimbursement rates. The resolve also requires the department to notify the Joint Standing Committee on Health and Human Services of any such rules that are proposed.

Resolve 2003, chapter 24 was passed as an emergency measure effective May 16, 2003.

RESOLVE 27 **Resolve, To Establish a System for Electronic Filing of Death Certificates** **LD 896**

<u>Sponsor(s)</u> MAYO RICHARDSON J	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-104
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Resolve 2003, chapter 27 requires the Department of Human Services, Bureau of Health to convene an advisory committee on the development of a plan and funding for an electronic death certificate filing system. It requires a report back by January 15, 2004 to the Joint Standing Committee on Health and Human Services. It requires the Bureau of Health to provide staffing for the work of the advisory committee.

Health and Human Services

RESOLVE 28 Resolve, Regarding Fire Safety Issues in Head Start Preschool Programs Located in Public Schools

LD 1105

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	H-254

Resolve 2003, chapter 28 requires that the Department of Human Services and the Department of Education convene an advisory work group to examine fire safety issues in Head Start preschool programs that are located in public schools. The resolve requires the advisory task force to make recommendations to the two departments by November 14, 2003, and to report to the Joint Standing Committee on Health and Human Services by January 30, 2004.

RESOLVE 29 Resolve, To Lower the Costs of Prescription Drugs through the Use of the Federal Public Health Service Act

LD 711

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT KANE	OTP	

Resolve 2003, chapter 29 requires the Department of Human Services to study and report to the Joint Standing Committee on Health and Human Services by January 1, 2004 on the benefits that could be recognized by the State if it utilized Section 340B of the federal Public Health Services Act to provide prescription drugs to Maine's most vulnerable patient populations. The resolve authorizes the committee to report out legislation to the Second Regular Session of the 121st Legislature.

RESOLVE 35 Resolve, Directing the Maine Health Data Organization To Evaluate the Current System of Annual Assessments and User Fees

LD 532

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING WESTON	OTP-AM	H-255

Resolve 2003, chapter 35 requires the Maine Health Data Organization to evaluate its current system of annual assessments and user fees and make recommendations for improvement to the Joint Standing Committee on Health and Human Services by January 30, 2004.

Health and Human Services

RESOLVE 52 **Resolve, To Ensure Appropriate Care for Older Persons with Dementia and Certain Other Diseases**

LD 1075

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE MAYO	OTP-AM	H-446

Resolve 2003, chapter 52 directs the Department of Human Services and the Department of Behavioral and Developmental Services to establish and support the Joint Advisory Committee on Select Services for Older Persons, establishes the duties of the committee and sets periodic reporting dates.

RESOLVE 54 **Resolve, Regarding Legislative Review of Chapter 120: Release of**
EMERGENCY **Information to the Public, a Major Substantive Rule of the Maine**
 Health Data Organization

LD 1527

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Resolve 2003, chapter 54 authorizes final adoption of Chapter 120: Release of Information to the Public, a major substantive rule of the Maine Health Data Organization.

Resolve 2003, chapter 54 was passed as an emergency measure effective May 30, 2003.

RESOLVE 55 **Resolve, Regarding Consumer Information for Medicare**
 Beneficiaries

LD 903

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM	S-199

Resolve 2003, chapter 55 directs the Department of Human Services and the Department of Professional and Financial Regulation, Bureau of Insurance to work with a statewide organization providing legal services for the elderly and other consumer advocates to examine current practices for providing information to Medicare beneficiaries about Medicare supplement policies and to develop practices and procedures for providing information.

Health and Human Services

RESOLVE 57 Resolve, to Expand the Choices of People Seeking Mental Health Therapy Under the MaineCare Program

LD 58

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERRIERE-BOUCHER CATHCART	OTP-AM	H-444

Resolve 2003, chapter 57 authorizes the establishment of a demonstration project to permit a limited number of licensed clinical social workers, licensed clinical professional counselors and licensed marriage and family therapists to directly bill the Department of Human Services for mental health treatment provided to MaineCare members. The resolve requires the demonstration project to be budget-neutral and prohibits it from interfering in the relationships between MaineCare members and their mental health providers. The resolve requires reporting by January 15, 2004 and October 30, 2004.

RESOLVE 58 Resolve, Directing the Department of Agriculture, Food and Rural Resources To Develop Guidelines for Requiring Handwashing Sinks in Certain Convenience Stores

LD 1596

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCGOWAN	OTP-AM	H-484

Resolve 2003, chapter 58 directs the Department of Agriculture, Food and Rural Resources, which has jurisdiction over most convenience stores, to establish guidelines to ensure that convenience stores that prepare only a minor amount of food and are assigned a low-risk code are not required to install a sink used exclusively for handwashing.

**RESOLVE 61 Resolve, Regarding Legislative Review of Portions of the
EMERGENCY MaineCare Benefits Manual, Chapter 111, Section 97: Private Non-Medical Institutions and Appendices B, C, D, E and F, a Major Substantive Rule of the Department of Human Services**

LD 1586

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Resolve 2003, chapter 61 approves major substantive rules of the Department of Human Services in the MaineCare Benefits Manual, Chapter 111, Section 97: Private Non-Medical Institutions and Appendices B, C, D, E and F.

Resolve 2003, chapter 61 was passed as an emergency measure effective June 3, 2003.

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RESOLVE 64 **Resolve, To Increase Public Access to the Prior Authorization Process** **LD 1288**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER DUGAY	OTP-AM	S-197

Resolve 2003, chapter 64 directs the Department of Human Services to review MaineCare procedures applicable to the drug utilization review committee, to open those procedures to the public to the extent possible and to report to the Joint Standing Committee on Health and Human Services by October 1, 2003.

RESOLVE 66 **Resolve, Regarding Legislative Review of Chapter 113: Rules and** **LD 1580**
EMERGENCY **Regulations Governing the Licensing and Functioning of Assisted**
 Housing Programs, a Major Substantive Rule of the Department of
 Human Services, Bureau of Elder and Adult Services

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-514

Resolve 2003, chapter 66 approves a major substantive rule Chapter 113: Rules and Regulations Governing the Licensing and Functioning of Assisted House Programs, a rule of the Department of Human Services, Bureau of Elder and Adult Services, provided certain changes are made.

Resolve 2003, chapter 66 was passed as an emergency measure effective June 4, 2003.

RESOLVE 67 **Resolve, Regarding Legislative Review of Portions of the** **LD 1588**
EMERGENCY **MaineCare Benefits Manual, Chapter 11 and Chapter 111, Section**
 40, Home Health Services, a Major Substantive Rule of the
 Department of Human Services, Bureau of Medical Services

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Resolve 2003, chapter 67 approves major substantive rules for the Department of Human Services for Portions of the MaineCare Benefits Manual, Chapter 11 and Chapter 111, Section 40: Home Health Services, major substantive rules of the Department of Human Services, Bureau of Medical Services.

Resolve 2003, chapter 67 was passed as an emergency measure effective June 4, 2003.

Health and Human Services

RESOLVE 68 **Resolve, Regarding Notice of Deficient Care in Long-term Care Settings** **LD 1264**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUDLEY MAYO	OTP-AM	H-466

Resolve 2003, chapter 68 requires the Department of Human Services, Bureau of Medical Services, Division of Licensing to work together with interested parties, providers and advocates to review information that is available to the public on deficiencies in long-term care settings. It requires a report with recommendations to the Joint Standing Committee on Health and Human Services no later than February 1, 2004.

RESOLVE 69 **Resolve, Regarding Opportunities To Decrease the Occurrence of Developmental Disabilities and Mental Health Challenges in Childhood** **LD 1364**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LERMAN	OTP-AM	H-467

Resolve 2003, chapter 69 authorizes the Maine Developmental Disabilities Council to submit a report and recommendations to the Joint Standing Committee on Health and Human Services based on the results of the project it is undertaking to identify opportunities to decrease the occurrence of developmental disabilities and mental health challenges in childhood. The resolve authorizes the committee to report out legislation to the Second Regular Session of the 121st Legislature based on the council's recommendations.

RESOLVE 70 **Resolve, Directing the Department of Human Services To Enact Rules To Reduce the Health Risks Associated with Latex Gloves** **LD 767**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON DUPLESSIE	OTP-AM	S-177 S-225 BRENNAN

Resolve 2003, chapter 70 directs the Department of Human Services, Bureau of Health to adopt rules requiring the development of protocols regarding the use of latex gloves. It directs the Bureau of Health to report back to the Joint Standing Committee on Health and Human Services regarding the rules, the development of protocols, the anticipated impact of the protocols and whether legislation is required to further address allergies to latex gloves by January 30, 2004. It designates the rules as routine technical rules. The resolve directs the Department of Labor to study the use of latex gloves in commercial establishments, industrial facilities and state agencies.

Health and Human Services

RESOLVE 84 Resolve, To Study the Needs of Deaf and Hard-of-hearing Children and Adolescents

LD 553

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS SMITH W	OTP-AM	H-553 RICHARDSON J H-590 DUPLESSIE S-182

Resolve 2003, chapter 84 establishes the Task Force to Study the Needs of Deaf and Hard-of-hearing Children and Adolescents. The task force is composed of 4 legislators, 11 members of the public, the Commissioner of Human Services, the Commissioner of Education and the Commissioner of Behavioral and Developmental Services. The task force is authorized to meet up to 4 times and is required to submit a report, including suggested legislation, to the 2nd Regular Session of the 121st Legislature no later than December 3, 2003.

RESOLVE 95 Resolve, To Study Obesity and Methods To Decrease the Cost of Health Care and Increase the Public Health

LD 471

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAIRCLOTH BRENNAN	OTP-AM	H-464 H-585 KANE

Resolve 2003, chapter 95 establishes the Commission to Study Public Health to study the causes of obesity and methods to decrease the cost of health care and improve public health. The commission is composed of 31 members, of whom 4 are legislators. The Commission is required to submit a report to the Legislature by December 1, 2003 and may introduce its own legislation.

RESOLVE 96 Resolve, Regarding the Operation of the Maine Registry of Certified Nursing Assistants

LD 281

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUNKER STANLEY	OTP-AM MAJ ONTP MIN	H-542 S-292 CATHCART

Resolve 2003, chapter 96 requires the Department of Public Safety to adopt rules providing free access to criminal history record information for the Maine Registry of Certified Nursing Assistants. It requires the Department of Education to adopt rules requiring the CNA course fee to include the record check fee. It requires the Department of Human Services to report to the Health and Human Services Committee on the method of conducting CNA record checks by 12/31/03, 7/1/04 and 12/31/04. The resolve provides an appropriation for the Department of Public Safety for staff and operating costs.

Health and Human Services

RESOLVE 97 **Resolve, Directing the Department of Human Services To Establish**
EMERGENCY **an Advisory Task Force to Examine Staff-child Ratios and**
 Maximum Group Size in Child Care Facilities

LD 732

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPREY B	OTP-AM	H-168
SAWYER		S-277 GAGNON

Resolve 2003, chapter 97 directs the Department of Human Services to convene an advisory task force to study staff-child ratios and maximum group size in child care facilities. The resolve requires the task force to make recommendations to the department by December 3, 2003 and requires the department to review those recommendations and report its conclusions to the Joint Standing Committee on Health and Human Services by January 5, 2004. The resolve also requires the department to retain current child care rules in effect until June 15, 2004 to allow for the task force to complete its work and the department to conduct additional rulemaking if necessary.

Resolve 2003, chapter 97 was passed as an emergency measure effective June 25, 2003.

Inland Fisheries and Wildlife

PUBLIC 21 An Act to Create the Maine Youth Conservation Wildlife Management Area

LD 26

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP	OTP	

Public Law 2003, chapter 21 creates the Maine Youth Conservation Wildlife Management Area on lands in T32 MD owned or leased by the Department of Inland Fisheries and Wildlife.

PUBLIC 27 An Act Regarding Fish Stocking Decisions

LD 82

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HONEY BRYANT	OTP-AM	H-15

Public Law 2003, chapter 27 repeals the requirement that the Department of Inland Fisheries and Wildlife conduct public meetings whenever the department changes management or fish stocking objectives on a body of water.

PUBLIC 54 An Act To Encourage Dog Tracking of Wounded Big Game Animals

LD 460

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN HALL	OTP-AM	H-39

Public Law 2003, chapter 54 allows a person licensed to track wounded animals with leashed dogs to charge a fee for the tracking service and adds moose and bear to the list of game animals that a tracker may track with leashed dogs.

PUBLIC 73 An Act To Improve the Coyote Control Program

LD 237

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE HALL	OTP-AM MAJ OTP-AM MIN	H-75

Public Law 2003, chapter 73 sets conditions and requirements for agents of the Department of Inland Fisheries and Wildlife who use snares for the control of coyotes during winter months.

Inland Fisheries and Wildlife

PUBLIC 113 An Act To Increase Protection for Endangered and Threatened Species

LD 303

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE	OTP-AM	H-105
GAGNON		

Public Law 2003, chapter 113 makes a negligent violation of the laws protecting endangered and threatened species a Class E crime and the intentional violation of those laws a Class D crime.

PUBLIC 122 An Act Relating to the Operation of Snowmobiles

LD 354

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER	OTP-AM	S-50
DUNLAP		

Public Law 2003, chapter 122 requires any person under 18 years of age to wear a helmet while operating or riding a snowmobile on a snowmobile trail identified by the Department of Conservation, Bureau of Parks and Lands as having been funded by the Snowmobile Trail Fund.

PUBLIC 139 An Act To Promote and Advance Wild Ring-necked Pheasant EMERGENCY Propagation

LD 875

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
USHER	OTP-AM	H-129
CARPENTER		

Public Law 2003, chapter 139 prohibits the taking a female pheasant in certain areas of the State and directs the Commissioner of Inland Fisheries and Wildlife to create a fall hunting season for male pheasants in the coastal area from Kittery to Bath.

Pubic Law 2003, chapter 139 was enacted as an emergency measure effective May 14, 2003.

PUBLIC 189 An Act Relating to ATV Registration EMERGENCY

LD 359

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FINCH	OTP-AM MAJ	H-130
	ONTP MIN	

Public Law 2003, chapter 189:

1. Repeals the reciprocity provision relating to ATV registration;

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2. Imposes a temporary \$3 fee on all ATV registrations for the registration periods beginning July 1, 2003 and July 1, 2004. The temporary fee is credited to the ATV Recreational Management Fund of the Department of Conservation. (This fee is in addition to the temporary fee increase imposed by the Part I budget bill; the net result is a resident ATV registration fee of \$33 and a nonresident ATV registration fee of \$68 for the registration periods beginning in July 1, 2003 and July 1, 2004);
3. Modifies language relating to the ATV law enforcement grant-in-aid program to remove reference to funding for the program coming from the ATV Recreational Management Fund; and
4. Appropriates \$50,000 to the Department of Inland Fisheries and Wildlife from increased revenues generated by this law to restore funding for operational costs.

Public Law 2003, chapter 189 was enacted as an emergency measure effective May 16, 2003.

PUBLIC 258	An Act Imposing a Horsepower Restriction for Boat Motors on Pickerel Pond	LD 25
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<u>Sponsor(s)</u> DUNLAP	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 2003, chapter 258 prohibits the operation of a motorboat equipped with a motor greater than 10 horsepower on Pickerel Pond in the territory of T32 MD in Hancock County.

PUBLIC 260	An Act To Create the Snowmobile Trail Fund Advisory Council	LD 778
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<u>Sponsor(s)</u> CLARK KNEELAND	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-306
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Public Law 2003, chapter 260 establishes the Snowmobile Trail Fund Advisory Council to provide advice and information on the management of the Snowmobile Trail Fund.

PUBLIC 269	An Act To Amend the Filing Requirements for Special Hide Dealers	LD 1061
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<u>Sponsor(s)</u> BRYANT-DESCHENE BLAIS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-303
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Public Law 2003, chapter 269 removes the requirement that special hide dealers make annual filings with the Department of Inland Fisheries and Wildlife and requires dealers to retain certain records for at least three years.

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PUBLIC 276 An Act Regarding Alewife Harvesting

LD 106

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TARDY MITCHELL	OTP-AM	H-302

Public Law 2003, chapter 276 authorizes the Department of Inland Fisheries and Wildlife to regulate the type of gear used to harvest or concentrate for harvest alewives, eels, suckers, lampreys and yellow perch and authorizes the use of fish pumps to harvest alewives.

PUBLIC 277 An Act To Improve Boating in Maine

LD 1280

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT R	OTP	

Public Law 2003, chapter 277 requires airmobiles and motorboats to pass noise limit tests with cutouts engaged and disengaged and sets a minimum of a \$300 fine for exceeding noise limits. It also exempts those vessels from the noise limits while the vessels are engaged in an organized racing event that is sanctioned by a recognized racing organization and registered with the Commissioner of Inland Fisheries and Wildlife. The bill also clarifies that the discharge of septic fluids into the inland waters of the State is illegal.

PUBLIC 280 An Act To Establish the Landowners and Sportsmen Relations Advisory Board

LD 1456

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP BRYANT	OTP-AM	H-305

Public Law 2003, chapter 280 establishes the Landowners and Sportsmen Relation Advisory Board.

PUBLIC 330 An Act To Provide "Any-deer" Permits to Permanently Disabled Nonambulatory Persons

LD 786

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P CARR	OTP-AM	S-144

Public Law 2003, chapter 330 allows a person who holds a valid antlerless deer permit to transfer that permit to someone who suffers ambulatory disabilities. It also permits a person who suffers an ambulatory disability and resides in a zone in which antlerless deer permits are not issued to take an antlerless deer on youth deer hunting day.

Inland Fisheries and Wildlife

PUBLIC 331 An Act To Simplify the Requirements for Tagging, Registering and Transporting Harvested Animals

LD 806

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT PINEAU	OTP-AM	S-142

Public Law 2003, chapter 331 simplifies the tagging and registration requirements for harvested animals by providing the same tagging and registering requirements for bear, deer, moose and wild turkey. It allows a person to transport a harvested animal if that animal is lawfully harvested and possessed by that person. Additionally, it removes the requirement that tags be issued as part of the hunting license and makes a violation of registration requirements a Class E crime.

PUBLIC 333 An Act To Encourage Hunting by Simplifying Hunting Laws

LD 1083

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP BRYANT	OTP-AM	H-391

Public Law 2003, chapter 333 does the following:

1. It changes the location used for determining sunrise and sunset times from Augusta to Bangor and defines night hunting as hunting between 30 minutes after sunset and 30 minutes before sunrise;
2. It repeals the twilight hunting prohibition;
3. It caps the amount of agent fees that can be charged for a single transaction at \$6 and defines a "transaction" to mean a single event in which one or more licenses or permits are issued to a given person in that person's name;
4. It includes "mechanical broadheads when open" in the width requirement for arrowheads used to hunt deer;
5. It repeals the requirement that the Department of Inland Fisheries and Wildlife advertise bear and deer registration stations in one or more of the State's daily newspapers;
6. It amends the prohibition on placing bear bait within 500 yards of a dump by clarifying the word "dump" to mean a site permitted or licensed for the disposal of solid waste, and it extends from 200 yards to 500 yards the area around a solid waste disposal site that is off limits to bear hunting and trapping activities;
7. It allows a person to shoot from a boat as long as the boat is not being propelled by its motor;
8. It removes the requirement that the Department of Inland Fisheries and Wildlife provide bear tags as part of the big game license;
9. It repeals the law that allows a person to leave an unregistered bear in the woods if, within 18 hours, that person notifies a game warden about the location of the bear and the reasons for leaving it in the woods;

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10. It allows a person to possess a gift bear, deer, moose or wild turkey if it is labeled with the name of the person who registered the animal and the year that person registered the animal;
11. It clarifies that a person may not shoot more than one moose per year;
12. It clarifies existing law that a person may assist in a hunt as long as that person does not possess hunting equipment and does not conduct illegal game driving activities; and
13. It allows a person to keep more than one lawfully possessed bear, deer or moose in that person's home.

PUBLIC 336 An Act To Allow Smelt Fishing in Long Lake in Aroostook County

LD 860

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH W	OTP-AM MAJ	H-341
MARTIN	ONTP MIN	

Public Law 2003, chapter 336 allows for the recreational harvest of smelt on portions of Long Lake until December 31, 2005. It makes exceeding the daily bag limit a Class E crime and the commercial harvests of smelt in those portions of Long Lake a Class D crime with a minimum fine of \$1,000.

PUBLIC 403 An Act To Revise Certain Provisions of Maine's Fish and Wildlife EMERGENCY Laws

LD 1482

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP	OTP-AM	H-422
BRYANT		H-524 DUNLAP

Public Law 2003, chapter 403 makes the following changes to fish and wildlife laws:

1. In the law governing accident reports by whitewater trip outfitters, it changes the amount of property damage requiring a report from \$100 to \$1,000, which is consistent with other reporting requirements for boating, and clarifies that the reporting requirement for medical attention is for professional medical attention;
2. It removes the requirement that the department publish lists of bear and deer registration stations in a daily newspaper;
3. It removes the requirement that if rulemaking is necessary to shorten the open season on deer, regulate the taking of antlerless deer or create special hunting seasons, the determination must be made and published by a certain date;
4. It removes the requirement that the disabled hunter, trapper and angler advisory committee have a licensed physician as a member;
5. It establishes the Becoming an Outdoors Woman program as a program within the department;

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6. It authorizes the department to issue complimentary fishing licenses to persons with acquired brain injury;
7. It authorizes the department to sell extra copies of the Maine Revised Statutes, Title 12, chapters 701 to 721, as prepared and printed by the department to help offset the cost of printing;
8. It prohibits the use of personal watercraft on Indian Pond;
9. It removes the requirement that a trespass reminder and convicted felon statement be printed on licenses;
10. It establishes a reinstatement fee for licenses that are suspended for failure to comply with court-ordered support under the Maine Revised Statutes, Title 19-A, section 2201;
11. It requires that bait and baitfish be sold in containers that are composed in whole of biodegradable paper or cardboard;
12. It makes the amount of time for registering wild turkeys the same as that for registering bear, deer and moose, 18 hours. It is currently 12 hours;
13. It amends the law prohibiting fishing from a dam in which a fishway is located to make it unlawful to fish from any operational fishway rather than from the dam;
14. It provides that a parent or guardian of a minor under 18 years of age is guilty of unlawfully permitting the operation of a snowmobile if that minor operates a snowmobile in violation of the snowmobile laws;
15. It amends the law to extend the applicability of the prohibition on operating a snowmobile to endanger from only applying to statewide snowmobile trail systems or public right-of-ways open to snowmobiling to all areas of the State;
16. It changes the expiration date for migratory waterfowl permits from June 30th to December 31st of the year issued;
17. It requires that snowmobile operators stop before entering a public way or private way maintained for travel and that snowmobile operators yield the right-of-way to all vehicular traffic while operating on a public way or private way maintained for travel;
18. It adds wild turkeys to and removes elk and caribou from the list of wild animals that an owner must prevent a nuisance dog from cashing or killing;
19. It allows the Commissioner of Inland Fisheries and Wildlife to establish rules regarding permittees that are selected to receive a moose hunting permit but are unable to use the permit;
20. It defines "aquarium" for the purposes of importing and possessing nonnative and exotic species;
21. It exempts a person who holds a smelt wholesale license and fishes with a hook and line from certain restrictions regarding the taking and selling of live smelt;
22. It clarifies that the State has exclusive jurisdiction over the regulation of all-terrain vehicles except that a municipality may regulate the operation of all-terrain vehicles on municipal property and on rights-of-way and easements held by the municipality; and

Inland Fisheries and Wildlife

23. It establishes a lifetime trapping license and adjusts the cost of combination lifetime licenses to better reflect other fee structures.

Public Law 2003, chapter 403 was enacted as an emergency measure effective June 3, 2003.

PUBLIC 414 An Act To Recodify the Laws Governing Inland Fisheries and Wildlife LD 1600

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-171

Public Law 2003, chapter 414 recodifies the Maine Revised Statutes, Title 12, Part 10 pursuant to Joint Order 2003, Senate Paper 440 and takes effect 90 days after the adjournment of the Second Regular Session of the 121st Legislature. It also directs the Department of Inland Fisheries and Wildlife to develop recommendations to address legal ambiguities and other issues identified by the Office of Policy and Legal Analysis in the course of its work on the recodification and submit legislation to implement its recommendations to the Second Regular Session of the 121st Legislature.

PUBLIC 440 An Act To Redefine "Muzzle-loading Firearm" LD 1170

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	H-537

Public Law 2003, chapter 440 redefines "muzzle-loading firearm" by providing definitions for a muzzleloader, a traditional muzzleloader and a muzzle-loading shotgun.

PUBLIC 480 An Act to Allow Hunters to Exchange Assigned Hunting Areas or Zones with Other Hunters LD 123

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT MCGLOCKLIN	OTP-AM	S-143

Public Law 2003, chapter 480 allows a hunter assigned a hunting zone or area to exchange that zone or area with another hunter. It also authorizes the Commissioner of Inland Fisheries and Wildlife to assess a \$5 transaction fee for the transfer of licenses, permits or zone or area designations.

Inland Fisheries and Wildlife

PUBLIC 484 **An Act To Prohibit Personal Watercraft on Lake St. George in the**
EMERGENCY **Town of Liberty**

LD 647

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIOTTI	OTP-AM MAJ	S-286 BRYANT
WESTON	OTP-AM MIN	

Public Law 2003, chapter 484 prohibits the operation of personal watercraft on Lake St. George in the Town of Liberty.

Public Law 2003, chapter 484 was enacted as an emergency measure effective June 23, 2003.

PUBLIC 491 **An Act Concerning Illegal Introduction of Fish into Maine Waters**
EMERGENCY

LD 1635

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT		
DUNLAP		

Public Law 2003, chapter 491 requires that any fish legally taken from inland waters must either be released alive into the waters from which it was taken or immediately killed. It also makes possession of live fish in violation of this requirement a Class E crime and requires the suspension of a violator's fishing license for at least one year.

Public Law 2003, chapter 491 was enacted as an emergency measure effective June 23, 2003.

RESOLVE 42 **Resolve, Requiring the Department of Inland Fisheries and Wildlife**
 To Implement the Recommendations of the Maine Inland Fisheries
 Management Program 2002 Review

LD 49

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL	OTP-AM	H-304
BRYANT		

Resolve 2003, chapter 42 requires the Commissioner of Inland Fisheries and Wildlife to report to the Joint Standing Committee on Inland Fisheries and Wildlife no later than 7 days after the effective date of this resolve the commissioner's plans to implement the recommendations of the Maine Inland Fisheries Management Program 2002 Review and to provide semiannual reports updating the Department of Inland Fisheries and Wildlife's progress toward implementing those recommendations until November 1, 2008.

Inland Fisheries and Wildlife

RESOLVE 44 **Resolve, Authorizing the Commissioner of Inland Fisheries and**
EMERGENCY **Wildlife To Allow a Well and Waterline Easement**

LD 346

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODCOCK	OTP-AM	S-124

Resolve 2003, chapter 44 authorizes the Commissioner of the Department of Inland Fisheries and Wildlife to enter into an amendment of the conservation easement in the Rangeley River conservation corridor. The commissioner may enter into an amendment of the conservation easement to allow the Oquossoc Standard Water District to drill wells near the existing waterline and connect the wells to it, if the commissioner finds that the conservation values of the conservation corridor will not be adversely affected.

Resolve 2003, chapter 44 was passed as an emergency measure effective May 23, 2003.

RESOLVE 71 **Resolve, Directing the Department of Inland Fisheries and Wildlife**
EMERGENCY **To Conduct a Programmatic Review within Certain Areas of the**
 Department

LD 129

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT DUNLAP	OTP-AM	S-125

Resolve 2003, chapter 71 requires the Commissioner of Inland Fisheries and Wildlife to contract with an experienced firm to conduct a programmatic review of the Division of Public Information and Education, Bureau of Warden Service, Bureau of Administrative Services and the State's wildlife management program. The department must fund the review with funding outside the General Fund. The department shall submit a single report to the Joint Standing Committee on Inland Fisheries and Wildlife by January 4, 2005, regarding work conducted and the findings and recommendations determined pursuant to this resolve.

Resolve 2003, chapter 71 was passed as an emergency measure effective June 9, 2003.

RESOLVE 89 **Resolve, To Reestablish the Commission To Study the Needs and**
EMERGENCY **Opportunities Associated with the Production of Salmonid Sport**
 Fish in Maine

LD 1358

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT CLARK		H-97 DUNLAP S-271 BRYANT

Resolve 2003, chapter 89 reestablishes the Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine. It authorizes the commission to hold up to 2 meetings and limits the commission's duties to providing assistance in the expenditure of the funds authorized under Private and Special Law 2001, chapter 71 for the renovations and enhancement of wastewater treatment at the Department of Inland Fisheries and Wildlife's fish-rearing facilities.

Inland Fisheries and Wildlife

Resolve 2003, chapter 89 was passed as an emergency measure effective June 23, 2003.

Insurance and Financial Services

PUBLIC 26 **An Act to Amend the Law Pertaining to Notice of Nonrenewal of an Automobile Insurance Policy** **LD 5**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL	OTP-AM	H-14

Public Law 2003, chapter 26 clarifies that the aggregate number of accidents that would permit an insurer to non-renew a policy insuring that motor vehicle or other motor vehicles in that household is increased by one regardless of the number of policies that are issued for the motor vehicles.

PUBLIC 35 **An Act to Extend the Time to Pay a Premium to the Insured** **LD 2**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL	OTP-AM	H-29

Public Law 2003, chapter 35 extends the time for a licensed insurance producer or broker to pay premium refunds to an insured from 10 days to 30 days.

PUBLIC 36 **An Act To Clarify the Authority of the Superintendent of Financial Institutions Regarding a Credit Union's Conversion of Its Field of Membership** **LD 171**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE	OTP-AM	H-31

Public Law 2003, chapter 36 clarifies the authority of the Superintendent of Financial Institutions to permit a credit union with an employer-based field of membership to convert its field of membership to a community-based field of membership and to retain one or more employer groups or portions of groups that were included in its field of membership prior to the conversion.

PUBLIC 38 **An Act to Reduce Workers' Compensation Costs for Self-insured Public Utilities** **LD 64**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL	OTP-AM	H-30

Public Law 2003, chapter 38 allows a transmission and distribution utility to reduce its security for self-insuring its workers' compensation obligations by up to \$10 million dollars, but not lower than \$100,000, in a manner similar to that used by other employers.

Insurance and Financial Services

PUBLIC 49 An Act To Enhance Consumer Protections in Relation to Certain Mortgages

LD 494

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL	OTP-AM	H-53

Public Law 2003, chapter 49 amends the law related to the provision of high-rate, high-fee mortgages. The law prohibits high-rate, high-fee mortgages from charging default charges in excess of 5% of the default amount and limits the fees that may be charged during multiple refinancings, deferrals and extensions of these mortgages. The law also clarifies the concurrent jurisdiction of the Bureau of Financial Institutions and the Office of Consumer Credit Regulation over high-rate, high-fee mortgages depending on the type of entity responsible for selling the mortgage.

PUBLIC 65 An Act To Require That Mental Health Workers with LCPC Licenses Are Recognized as Licensed Professionals for Purposes of Insurance Reimbursement

LD 563

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GLYNN	OTP-AM	H-72 H-84 RINES

Public Law 2003, chapter 65 mandates that all health care plans reimburse licensed clinical professional counselors for mental health services. The law retains the provision in current law that requires health plans to offer coverage for mental health services provided by licensed professional counselors, marriage and family therapists and pastoral counselors. The law applies to all policies and contracts issued or renewed on or after January 1, 2004.

PUBLIC 100 An Act To Provide Parity in Lending by State-chartered Lenders

LD 291

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL MAYO	OTP-AM	H-32

Public Law 2003, chapter 100 permits Maine lenders to assess late fees on delinquent accounts for all consumer credit transactions. Pursuant to Maine Revised Statutes, Title 9-A, section 2-502, the late fees may not be assessed until after a 15-day grace period has expired and may not exceed the greater of \$10 or the deferral charge permitted to defer the unpaid amount of any installment during the delinquency period.

Insurance and Financial Services

PUBLIC 106 **An Act To Allow a Court To Order the Cancellation of a Life Insurance Policy as Part of a Protection from Abuse Proceeding** **LD 409**

<u>Sponsor(s)</u> JACKSON EDMONDS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-112
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Public Law 2003, chapter 106 allows the District Court to order the termination of a life insurance policy or rider owned by a defendant on the life of a plaintiff in a protection from abuse proceeding. The law also requires that a copy of the court order be sent to the insurance company that issued the policy.

PUBLIC 108 **An Act To Improve the Process of Credentialing Health Care Providers** **LD 423**

<u>Sponsor(s)</u> MARRACHE GAGNON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-116
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Public Law 2003, chapter 108 requires health insurance carriers to make credentialing decisions within 60 days of receiving a completed application from a provider, but allows a carrier to extend the period for up to another 120 days upon written notice to the provider if information within the application needs verification.

PUBLIC 109 **An Act Regarding Mortuary Trusts** **LD 676**

<u>Sponsor(s)</u> MAYO SULLIVAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-39
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Public Law 2003, chapter 109 allows prearranged funeral plans to be funded with the proceeds of a life insurance policy.

PUBLIC 110 **An Act To Prohibit Absolute Discretion Clauses in Health Carrier Contracts** **LD 316**

<u>Sponsor(s)</u> CANAVAN DOUGLASS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-118
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Public Law 2003, chapter 110 prohibits carriers from using or enforcing absolute discretion clauses in health plan contracts.

Insurance and Financial Services

PUBLIC 118 An Act To Establish New Standards for Credit Reporting

LD 556

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERRIERE-BOUCHER	OTP-AM	H-117

Public Law 2003, chapter 118 gives consumers the right to request a free copy of their credit report once during a 12-month period and specifies that the cost of additional copies may not exceed \$5 per copy. The law also requires that consumer reporting agencies clearly disclose to consumers their procedures to enable a consumer to correct inaccurate information contained in a credit report.

PUBLIC 135 An Act Clarifying the Maine Consumer Credit Code

LD 485

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL	OTP	

Public Law 2003, chapter 135 makes the Maine Consumer Credit Code consistent with federal law and regulation on credit practices involving the collection of delinquency charges. The law clarifies that a delinquency charge may not be collected in connection with a consumer credit transaction if the only delinquency is attributable to unpaid late fees or delinquency charges assessed in connection with earlier unpaid installments.

PUBLIC 155 An Act Relating to Existing Life-care Communities Licensed by the Superintendent of Insurance

LD 796

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP-AM	S-55

Public Law 2003, chapter 155 provides that a life-care community that holds a final certificate of authority from the Superintendent of Insurance and that was operational on November 18, 2002 and that is prohibited by the Maine continuing care retirement community laws from seeking reimbursement or financial assistance under the Medicaid program from a state or federal agency as part of its commitment to provide life care to its residents may continue to admit nonresidents to its nursing facility after its first 3 years of operation only for such periods as approved by the Superintendent of Insurance.

Insurance and Financial Services

PUBLIC 156 An Act To Protect Employees if Their Employer Fails To Pay LD 905
Premiums for Employer-sponsored Health Insurance

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY	OTP-AM	S-57
CLARK		

Public Law 2003, chapter 156 requires insurers to notify employees who are certificate holders under a group health insurance policy directly at least 10 days prior to cancellation of their group coverage unless the insurer does not have the employee's address on file.

PUBLIC 157 An Act To Create Equality in Medicare Supplement Insurance LD 902
Policies

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM	S-56

Public Law 2003, chapter 157 provides guaranteed issuance for Medicare supplement insurance policies to persons entitled to Medicare benefits due to disability. The law also clarifies that guaranteed issuance extends to persons who have maintained coverage supplementing benefits under Medicare beginning with their open enrollment period, whether the coverage is under a Medicare supplement policy or an individual or group health plan.

PUBLIC 171 An Act To Update and Clarify the Law Regarding the Conversion LD 1490
of a Nonprofit Hospital and Medical Service Organization to a
Domestic Stock Insurer

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS	OTP	
O'NEIL		

Public Law 2003, chapter 171 clarifies that 100% of the net proceeds of a charitable organization covered by the nonprofit health and medical services organization conversion law in Maine Revised Statutes, Title 24, are deemed public assets and makes other technical changes needed to implement the requirements of Public Law 2001, chapter 550.

Insurance and Financial Services

PUBLIC 172 An Act To Amend the Debt Management Services Laws

LD 1458

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS CANAVAN	OTP	

Public Law 2003, chapter 172 amends the Nonprofit Debt Management Services Act to clarify that the Act protects a consumer who pays a fee to have a company negotiate with and arrange installment or reduced payments to creditors, even if the funds are sent directly from the consumer's accounts to the creditors rather than being sent first to the debt management company.

PUBLIC 173 An Act To Clarify Provisions Governing Corporate-owned Life Insurance Policies

LD 1481

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL LAFOUNTAIN	OTP	

Public Law 2003, chapter 173 clarifies that a corporation may have an insurable interest in the life of individual employees, such as certain key officers and directors, and that the proceeds created by a life insurance funded employee benefit program must benefit at least a broad class of employees. The law also expressly permits a trust to act as policyholder for corporate-owned life insurance plans.

PUBLIC 201 An Act To Update and Amend the Revised Maine Securities Act

LD 1489

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN O'NEIL	OTP-AM	S-91

Public Law 2003, chapter 201 makes several changes to update the Revised Maine Securities Act, including clarifying that sales representatives acting for an issuer in effecting any securities transactions are only exempt from licensing requirements if they are bona fide employees of the issuer; clarifying that a branch location that is the office of both an affiliated broker-dealer and investment adviser will not be assessed duplicative fees; allowing the Office of Securities to retain fees when applications, filings, exemptions and federal covered securities are abandoned; adding business plans to the list of sales and advertising materials that may be required to be filed with the Securities Administrator; and eliminating the requirement that a hearing be held prior to the issuance of a federal or another states' subpoena when the alleged violation would also be a violation of Maine law.

Insurance and Financial Services

PUBLIC 202 **An Act To Clarify the Exclusion of Assumed Reinsurance from Policy Claims Priority** **LD 1502**

<u>Sponsor(s)</u> YOUNG MAYO	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 2003, chapter 202 clarifies that assumed reinsurance is excluded from policy claims priority in the context of an insurer insolvency proceeding.

PUBLIC 203 **An Act To Establish Fee Caps under the Maine Insurance Code** **LD 1522**

<u>Sponsor(s)</u> TURNER BREAULT	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 2003, chapter 203 authorizes the Superintendent of Insurance to adopt rules establishing fees and miscellaneous charges under the Maine Insurance Code within a range that does not exceed the otherwise applicable current amounts in the law.

PUBLIC 218 **An Act Concerning Health Insurance Reimbursement and Contracting Practices** **LD 897**

<u>Sponsor(s)</u> MAYO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-90
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Public Law 2003, chapter 218 requires health carriers to give providers 60 days' notice of substantive amendments to provider agreements unless the parties waive the notice requirement by mutual agreement. The law limits the ability of health insurers to retrospectively deny previously paid claims to those denials made within 18 months from the date of payment with certain exceptions. Beginning in 2005, the law requires that providers with 10 or more full-time-equivalent employees file claims electronically in order to claim interest, pursuant to the statute requiring health insurers to pay interest if an undisputed claim is not paid within 30 days of submission. Finally, it permits the Superintendent of Insurance to adopt rules that set a minimum amount of interest payable to health care providers before a payment must be issued.

Insurance and Financial Services

PUBLIC 223 An Act To Ensure Fairness Regarding Use of Consumer Credit Reports in Insurance Underwriting

LD 470

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN DAGGETT	OTP-AM	H-220

Public Law 2003, chapter 223 prohibits an insurance company authorized to transact automobile or homeowners' insurance in this State from making underwriting and rating decisions based solely on information contained in consumer credit reports. An insurer may continue to use consumer credit reports in underwriting and rating decisions in conjunction with other relevant underwriting criteria to the extent allowed under state and federal fair credit reporting laws. The law also requires insurers to provide notice to a consumer who is adversely affected by a credit report. The law adds a requirement that insurers file their insurance scoring models with the Superintendent of Insurance.

PUBLIC 249 An Act To Permit Special Purpose Reinsurance Vehicles

LD 1553

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN YOUNG	OTP	

Public Law 2003, chapter 249 permits establishment of special purpose reinsurance vehicles and establishes a regulatory framework for the oversight of activities related to special purpose reinsurance vehicles. Special purpose reinsurance vehicles provide insurers an option other than standard reinsurance as a possible method of transferring risk.

PUBLIC 263 An Act To Provide Parity in Lending by State-chartered Financial Institutions

LD 614

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO O'NEIL	OTP-AM	S-82 H-246 O'NEIL

Public Law 2003, chapter 263 permits state-chartered financial institutions and mortgage companies to assess prepayment charges on mortgage loans, except for high-rate, high-fee mortgages, and requires the Department of Professional and Financial Regulation, Office of Consumer Credit Regulation and Bureau of Financial Institutions to jointly adopt rules related to the ability of supervised financial organizations to assess prepayment charges.

The law also permits state-chartered financial institutions to adjust interest rates on escrow accounts. The rate may not be less than 50% of the one-year Treasury Bill interest rate.

Insurance and Financial Services

PUBLIC 307 **An Act to Amend the Law Relating to Annuities**
EMERGENCY

LD 342

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN O'NEIL	OTP-AM	S-114

Public Law 2003, chapter 307 decreases the annuity rate-of-return requirements for annuity considerations from 3.0% to the lesser of 3% or an interest rate indexed to the 5-year Constant Maturity Treasury Rate of the Federal Reserve. The law permits an insurer to apply the interest rate provision to annuity contracts on a contract form basis until 2 years after the effective date.

Public Law 2003, chapter 307 was enacted as an emergency measure effective May 27, 2003.

PUBLIC 309 **An Act To Encourage Agricultural Cooperative Associations To**
EMERGENCY **Provide Group Health Plans**

LD 492

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL	OTP-AM MAJ OTP-AM MIN	H-336

Public Law 2003, chapter 309 allows a group health plan sponsored by an agricultural cooperative association located outside of Maine that provides coverage to members of agricultural cooperative associations located within this State to employ an internal grievance procedure that meets the requirements of the state in which the plan's insurer is located as long as enrollees living in this State are provided with an independent external review of any adverse health care decision in accordance with the State's requirements.

Public Law 2003, chapter 309 was enacted as an emergency measure effective May 27, 2003.

PUBLIC 310 **An Act To Clarify the Authority of the Attorney General To Seek**
Restitution and To Require the Superintendent of Insurance To
Investigate Certain Insurance Practices

LD 1347

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT O'NEIL	OTP-AM	S-155

Public Law 2003, chapter 310 clarifies that, in those instances when the Superintendent of Insurance has notified the Attorney General of a violation of the insurance laws, the Attorney General is required to institute actions against the violator, including actions seeking restitution.

Public Law 2003, chapter 310 also requires the Superintendent of Insurance to prepare a report on market conditions and trends for property and casualty insurance in this State, particularly homeowners' insurance and

Insurance and Financial Services

commercial coverage for small businesses. The Superintendent is required to submit the report to the Joint Standing Committee on Insurance and Financial Services no later than January 5, 2004.

PUBLIC 313 An Act To Extend Public Record Requirements of Nongroup Health Insurance Rate Filings to All Health Insurance Rate Filings LD 1058

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL	OTP-AM MAJ	H-334
EDMONDS	OTP-AM MIN	

Public Law 2003, chapter 313 establishes that small group health plan rate filings are public records except as provided by the freedom of access laws.

PUBLIC 315 An Act To Promote Alternatives in Group Self-insurance LD 852

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL	OTP-AM	H-338

Public Law 2003, chapter 315 establishes an alternative method for a workers' compensation group self-insurer to secure payment of catastrophic losses arising out of a single occurrence in excess of \$500,000. The law allows 4 or more group self-insurers to seek approval from the Superintendent of Insurance of a group self-insurance reinsurance account to hold contributions from participating members in lieu of reinsurance.

PUBLIC 320 An Act To Clarify Maine Law Relating to Viatical Settlements LD 1413

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODBURY	OTP-AM	H-347

Public Law 2003, chapter 320 clarifies that any state or federally chartered financial institution whose deposits are insured by the Federal Deposit Insurance Corporation may act as an escrow agent on accounts containing viatical settlement proceeds.

Insurance and Financial Services

PUBLIC 321 An Act To Require Disclosure of Benefit Offsets under Disability Insurance Policies

LD 1438

<u>Sponsor(s)</u> MAYO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-154
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With regard to individual disability income insurance policies, Public Law 2003, chapter 321 requires that insurers provide a clear, written disclosure of any benefit offsets on the application form or in a separate document. With regard to group policies and contracts, the law requires insurers to include the notice in any written enrollment material and certificate of coverage intended for distribution to persons eligible for coverage under the policy or contract.

PUBLIC 322 An Act To Amend the Maine Banking Laws

LD 1534

<u>Sponsor(s)</u> LAFOUNTAIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-141
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Public Law 2003, chapter 322 amends outdated laws governing state-chartered credit unions and synchronizes the provisions with federal laws governing federally chartered credit unions. The law also makes technical changes to various provisions in the Maine banking laws.

PUBLIC 374 An Act To Amend the Law Relating to Multiple-employer Welfare Arrangements

LD 1605

<u>Sponsor(s)</u> LAFOUNTAIN BREAULT	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 2003, chapter 374 provides that trust funds of a multiple-employer welfare arrangement must be held in this State until disbursed by the trust and removes the requirement that a licensed 3rd-party administrator of a multiple-employer welfare arrangement be domiciled in this State.

Public Law 2003, chapter 374 was enacted as an emergency measure effective May 30, 2003.

Insurance and Financial Services

PUBLIC 428 **An Act To Clarify and Update the Laws and Rules Related to**
EMERGENCY **Health Care**

LD 1507

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN MAYO	OTP-AM	H-515

Public Law 2003, chapter 428 does the following:

Part A facilitates the updating of small group and individual health insurance policies by permitting limited minor changes at renewal with 60 days' notice to policyholders and insureds.

Part B strengthens and clarifies the law requiring notice of termination of a group health plan. It expands the requirement to apply to terminations other than for nonpayment of premium and to apply to dental insurance. It also requires the notice to be sent to each insured's last known home address and repeals the requirement to send copies of termination notices to the Department of Professional and Financial Regulation, Bureau of Insurance and to the Department of Labor, Bureau of Labor Standards.

Part C expands the scope of the law governing 3rd-party administrators to include entities that administer employee benefit excess insurance.

Part D clarifies that the requirement for health carriers to provide experience data to large groups applies with respect to former policyholders whose coverage terminated within 18 months of the request.

Part E clarifies the rate information that must be filed with the Bureau of Insurance with respect to group health insurance.

Part F repeals the provision making long-term care insurance rates effective for only 3 years and clarifies the rate filing requirements for individual health insurance to specify that they apply to association group coverage that falls within the definition of individual health plan.

Part G corrects several references to the long-term care insurance laws.

Part H makes several housekeeping corrections. It clarifies the definition of "private purchasing alliance" by removing a reference to licensure. It removes reference to "2 or more carriers" in the purchasing alliance law, consistent with recent amendments that permit purchasing alliances to use a single carrier. It clarifies that a provision of the individual health plan law applies to certificates as well as policies. It exempts policies from the statute concerning arbitration if they are subject to the newer statute concerning external review. It corrects a reference to a tax form. It clarifies the definition of "downstream risk arrangement." Lastly, it corrects a reference in the provision concerning discounts on Medicare supplement insurance.

Part I makes the rule-making process related to the community health program routine technical rules rather than major substantive rules.

Part I of Public Law 2003, chapter 428 was enacted as an emergency measure effective June 5, 2003; Parts A to H of Public Law 2003, chapter 428 become effective September 4, 2003.

Insurance and Financial Services

PUBLIC 459 An Act to Promote Fairness and Opportunity for Working Amputees

LD 125

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO O'NEIL	OTP-AM	S-259

Public Law 2003, chapter 459 requires carriers to provide coverage for prosthetic devices in all health plans. Benefits for coverage of prosthetic devices must be equal to those benefits provided under federal Medicare law. Currently, Medicare provides coverage for 80% of the actual charge or the amount recognized as the purchase price for the device, whichever is less. Coverage is not required for prosthetic devices that include microprocessor technology or that are designed exclusively for athletic purposes.

The law applies to all health plan policies issued or renewed on or after January 1, 2004.

PUBLIC 469 An Act To Provide Affordable Health Insurance to Small Businesses and Individuals and To Control Health Care Costs

LD 1611

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL TREAT	OTP-AM	H-565 S-288 TREAT

Public Law 2003, chapter 469 establishes Dirigo Health as an independent executive agency to arrange for the provision of health coverage to small employers and their employees and dependents and to individuals on a voluntary basis. Dirigo Health is also required to monitor and improve the quality of health care in this State. Dirigo Health is governed by a board of directors. Five voting members must be appointed by the Governor and confirmed by the Legislature.

Dirigo Health must contract with health insurance carriers to offer health insurance to eligible small businesses and individuals through Dirigo Health Insurance. The health insurance benefits must be determined by the board and must comply with all statutory requirements of the Maine Insurance Code, including mandated benefits. The law also provides additional assistance through subsidies, based on a sliding scale, to employees and individuals with earnings below 300% of the federal poverty level who are enrolled in Dirigo Health. Employers who participate in Dirigo Health Insurance may be required to contribute up to 60% toward the cost of coverage for employees who work at least 20 hours per week and their dependents. The employer contribution rate for employees who work less than full time must be prorated. Coverage through Dirigo Health Insurance must begin no later than October 1, 2004.

In the first year of operation, funding for Dirigo Health is provided through the General Fund. After July 1, 2005, funding for subsidies and the Maine Quality Forum must be provided through savings offset payments paid by health insurance carriers, employee benefit excess insurance carriers and third-party administrators. The board of directors is required to establish the savings offset amount, not to exceed 4% of annual premium revenue or its equivalent, on an annual basis and those savings offset payments may not exceed the aggregate cost savings attributable to reductions in bad debt and charity care costs as a result of the operation of Dirigo Health and the expansion in MaineCare.

Insurance and Financial Services

The law expands MaineCare coverage for children and adults and provides coverage for expansion enrollees who enroll individually and who enroll through Dirigo Health as part of an employer group. The expansion of MaineCare eligibility may not become effective until Dirigo Health becomes operational. Monthly reporting on the noncategorical adult MaineCare expansion will be required to monitor enrollment.

Within Dirigo Health, the law establishes a high-risk pool for persons whose care costs are over \$100,000 per year and for those with certain named diagnoses. It requires Dirigo Health to develop disease management protocols for persons in the high-risk pool. If after 3 years Dirigo Health underperforms relative to the trends in average premium rates and average rates of uninsured individuals compared to those trends in states with high-risk pools, Dirigo Health is charged with submitting legislation to create a high-risk pool on January 1, 2008.

The law establishes the Maine Quality Forum within Dirigo Health to collect and disseminate research, adopt quality and performance measures, coordinate quality data, issue quality reports in conjunction with the Maine Health Data Organization, conduct consumer education and technology assessment reviews, encourage the adoption of electronic technology, make recommendations for the biennial State Health Plan and issue an annual report. The Maine Quality Forum Advisory Council is established to assist the board and the forum. The Maine Health Data Organization will adopt rules to collect data on health care quality based on the quality measures adopted by the Maine Quality Forum and issue reports on health care services, costs and quality.

The law requires the Governor to issue a biennial State Health Plan and establishes an advisory council to assist in the development of the plan. It also establishes the capital investment fund, an annual limit for resources allocated under the certificate of need program. Within the capital investment fund, 12.5% of the total is required to be designated for nonhospital projects for a period of 3 years. The law specifies that a certificate of need or public financing that affects health care costs may not be provided unless it meets the goals and budgets in the State Health Plan.

The law applies certificate of need (CON) requirements to the portions of an ambulatory surgical facility used by patients or to support ambulatory surgical care and to new technology that costs over \$1,200,000 in the office of a private practitioner. It establishes an automatic adjustment to the CON thresholds based on the Consumer Price Index, medical index. It expands the bases on which the Commissioner of Human Services makes CON decisions, adding consistency with the State Health Plan, reference to quality outcomes, reference to inappropriate increases in service utilization and the limits of the capital investment fund. It allows the Commissioner of Human Services to receive reports from a panel of experts on CON applications and requires evaluations from the Department of Human Services, Bureau of Health and the Superintendent of Insurance. It requires hospitals and health care practitioners to make information on the charges for commonly offered health care services available to the public.

The law requires health care practitioners to submit claims to health insurance carriers in electronic format beginning October 16, 2003. Until October 16, 2005, health care practitioners with fewer than 10 full-time equivalent employees are not required to submit claims electronically. After that date, those practitioners may apply to the Superintendent of Insurance for an exemption from the electronic claims filing requirement.

The law requires the Superintendent of Insurance to adopt rules for the filing of annual report supplements by health insurers and health maintenance organizations. It requires small group health plans to submit rate filings to the Superintendent of Insurance and imposes rate hearings and rate reviews on those filings unless a carrier opts to guarantee a 78% loss ratio or refund excess premiums. It requires individual and small group health insurance rates to reflect savings offset payments and any recovery of those offsets in premium rates. It requires large group health carriers to file annually certification that rating practices and methods meet actuarial principles and that savings offset payments and recovery offsets have been properly included in the filing. It allows managed care health plans to apply to the Superintendent of Insurance for permission to offer health plans with financial

Insurance and Financial Services

incentive provisions to encourage the use of designated providers of specialty and hospital care if the plan does not exceed the Bureau of Insurance Rule Chapter 850 travel standards by 100% and meets quality criteria. The Superintendent of Insurance is required to adopt rules relating to quality criteria by January 1, 2004 and submit those rules for legislative review before final adoption. The provision regarding managed care plans offering health plans with financial incentive provisions is repealed on July 1, 2007 unless continued by the Legislature. It requires the Superintendent of Insurance to conduct a study of the impact of a cap of \$250,000 on noneconomic damages in medical malpractice lawsuits on the cost of medical malpractice insurance.

The law sets voluntary constraints on financial growth for a period of one year by health care practitioners, hospitals and health insurance carriers. It also requires the Governor's Office of Health Policy and Finance and the Maine Hospital Association to agree on a timetable, format and methodology for reporting on hospital charges, cost efficiency and consolidated operating margins. It requires the Department of Human Services to conduct a comprehensive study of MaineCare reimbursement rates and to report by January 15, 2005. It establishes the Commission to Study Maine's Hospitals and requires that commission to report by November 1, 2004.

The law requires the Governor to work to improve access to care for veterans and to improve Medicare reimbursements for Maine providers and establishes a task force to study health care services provided to Maine veterans.

The law restores \$500,000 in General Fund money to restore the physician incentive payment program within the MaineCare program.

PUBLIC 492 An Act to Extend the Authority of the Health Care System and Health Security Board

LD 20

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-113
	ONTP MIN	H-143 O'NEIL
		S-279 GAGNON

Public Law 2003, chapter 492 extends the authority of the Health Care System and Health Security Board to continue its work and submit a final report by November 1, 2004. The law also adds a 20th member to the board who represents the public and is appointed by the Speaker of the House of Representatives.

Insurance and Financial Services

**RESOLVE 21
EMERGENCY**

**Resolve, Regarding Legislative Review of Portions of Chapter 840,
Private Purchasing Alliances, a Major Substantive Rule of the
Department of Professional and Financial Regulation, Bureau of
Insurance**

LD 1386

Sponsor(s)

Committee Report
OTP

Amendments Adopted

Resolve 2003, chapter 21 provides for legislative approval of portions of Chapter 840, Private Purchasing Alliances, a major substantive rule of the Department of Professional and Financial Regulation, Bureau of Insurance.

Resolve 2003, chapter 21 was passed as an emergency measure effective May 15, 2003.

Judiciary

PUBLIC 14 **An Act to Amend the Maine Probate Code Regarding the Fee for a Copy of a Will Provided to a Beneficiary** **LD 166**

<u>Sponsor(s)</u> SIMPSON DOUGLASS	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 2003, chapter 14 provides that a beneficiary in a will must, upon application to the register of probate, be furnished with a copy of the probated will upon payment of a fee of \$1 per page.

PUBLIC 17 **An Act To Modify Certain Criminal Appeal Statutes in View of the New Maine Rules of Appellate Procedure** **LD 273**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 2003, chapter 17 makes changes in criminal appeal statutes in response to the Supreme Judicial Court's adoption of the Maine Rules of Appellate Procedure, effective January 1, 2001, and in response to Public Law 2001, chapter 17, effective September 2001. The changes include the hearing procedure and appellate review procedure for a petition contesting extradition, and the appellate review from a final judgment in a post-convictions review proceeding.

PUBLIC 18 **An Act To Specify Information Required in a Divorce Decree** **LD 736**

<u>Sponsor(s)</u> NORBERT PENDLETON	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 2003, chapter 18 clarifies that a decree of divorce or an abstract of a decree for divorce involving rights to real property must be filed in the registry of deeds for the county or the district where the real property is located for the decree to have any effect. This bill also expands the information that is required to be contained in the abstract or decree.

PUBLIC 29 **An Act To Amend Certain Aspects of Post-conviction Review Procedure** **LD 340**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u> H-28 TWOMEY
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Public Law 2003, chapter 29 amends the laws concerning post-conviction review.

Judiciary

It broadens the definition of "assigned justice" to include a judge of the District Court who has been given authorization to sit in the Superior Court on post-conviction review cases; allows a judge of the District Court who has been given authorization to sit in the Superior Court on post-conviction review cases to exercise the same jurisdiction as the Superior Court Justice relative to post-conviction review proceedings; replaces a reference to the Attorney General with a reference to the prosecutorial office that earlier represented the State in the underlying criminal or juvenile proceeding; provides that representation of the respondent can be either the office of the Attorney General or the office of a district attorney; and repeals the requirement that the procedure for the assignment of a post-conviction review case be addressed pursuant to an administrative order by the Chief Justice of the Supreme Judicial Court. With its repeal, the assignment of petitions for post-conviction review becomes a matter to be addressed by the Supreme Judicial Court by rule.

PUBLIC 39 An Act Regarding Case Management Officers

LD 731

<u>Sponsor(s)</u> NORBERT	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 2003, chapter 39 authorizes family case management officers to hear and dispose of matters involving parental rights and responsibilities and parent-child contact orders when the order amends that portion of a protection from abuse order.

PUBLIC 46 An Act To Repeal the Forest Products Antitrust Exemption

LD 657

<u>Sponsor(s)</u> SMITH W MARTIN	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Under current law contracts and trusts formed for the sole purpose of manufacturing, producing, refining or mining a product may constitute an illegal restraint of trade or conspiracy. Current law exempts from these provisions associations organized for the sole purpose of marketing, producing or trucking pulpwood or saw logs. Public Law 2003, chapter 46 repeals those provisions.

PUBLIC 47 An Act To Increase the Value of Real and Personal Property Exempt from Attachment

LD 247

<u>Sponsor(s)</u> SMITH W EDMONDS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-81
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Public Law 2003, chapter 47 increases the value of a debtor's residence or burial plot that is exempt from attachment in a civil proceeding to \$35,000, and to \$70,000 if the debtor's minor dependent resides with the debtor.

Judiciary

The homestead exemption is \$70,000 if the debtor or the debtor's dependent is at least 60 years old or physically or mentally disabled.

PUBLIC 74 An Act To Promote Clarity Regarding Death Certificates LD 351
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P	OTP-AM	S-24

Public Law 2003, chapter 74 revises current law to allow a death certificate to be completed using legible hand printing, without requiring the hand printing to be in block style.

Public Law 2003, chapter 74 was enacted as an emergency measure effective April 25, 2003.

PUBLIC 77 An Act To Allow a Municipality To Dispose of Unclaimed Bicycles LD 168
by Means in Addition to Public Auction

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISCHER	OTP-AM	H-80
KNEELAND		

Public Law 2003, chapter 77 allows a municipality to dispose of unclaimed bicycles in any manner that the legislative body of the municipality decides is appropriate. It exempts municipalities from the Uniform Unclaimed Property Act with respect to unclaimed bicycles.

PUBLIC 84 An Act To Expand the Powers and Authority of Case Management LD 741
Officers in the Family Division

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TARDY	OTP-AM	H-82

Public Law 2003, chapter 84 makes several changes to the law governing the Family Division of the District Court.

It gives the family case management officers the power to issue writs of habeas corpus for the attendance at proceedings by parties that are incarcerated.

It gives the family case management officers the authority to issue orders to provide access to confidential information in the custody of the Department of Human Services.

It also gives family case management officers the power to respond to contempt occurring in the presence of the family case management officer, which the family case management officer either saw or heard.

Judiciary

**PUBLIC 88 An Act To Provide Expedited Access to Testing for an Individual
Exposed to Body Fluids in the Course of Employment LD 519**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAIETTA	OTP-AM	H-79

Public Law 2003, chapter 88 requires the court to schedule an expedited hearing on the petition for judicial consent to test the source of body fluids associated with a bona fide occupational exposure.

**PUBLIC 123 An Act Concerning the Treatment of Gross Income in Cases in
Which Both Child Support and Spousal Support Are Considered LD 235**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Public Law 2003, chapter 123 clarifies that spousal support is not considered as part of the gross income of the recipient of child support in the computation of child support for the children of the marriage in an initial child support order and in any subsequent child support computation on an ensuing motion for children of that marriage.

PUBLIC 148 An Act To Implement the Maine Assistance Program for Lawyers LD 1262

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORBERT PENDLETON	OTP	

Public Law 2003, chapter 148 provides immunity from civil liability for persons or organizations involved with the Maine Assistance Program for Lawyers, which was established by a court order dated September 1, 2002. Public Law 2003, chapter 148 also provides that all proceedings, communications and records connected with the Maine Assistance Program for Lawyers are confidential.

**PUBLIC 149 An Act To Clarify and Improve the Fairness of the Law of Trustee
Process LD 586**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORBERT PENDLETON	OTP-AM	H-221

Public Law 2003, chapter 149 makes a series of changes to the laws governing trustee process to provide fair treatment of alleged trustees without interfering with the ability of judgment creditors to reach funds to satisfy

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judgments. To ensure that financial institutions, including credit unions, are able to properly identify and promptly act upon trustee process, chapter 149 allows financial institutions to designate with the Secretary of State a specific office for service of process or to agree to accept service made otherwise.

**PUBLIC 161 An Act To Establish a Right of Entry for Surveyors Performing
EMERGENCY Surveying Services**

LD 1342

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J MAYO	OTP-AM	H-196 S-94 MARTIN

Public Law 2003, chapter 161 provides that when performing surveying services at the request of a landowner or person with an interest in real estate, a professional land surveyor and the surveyor's assistant may, without the consent of the owner or person in possession, enter upon or cross any lands necessary to perform surveying services.

Chapter 161 establishes criteria that satisfy the requirement that reasonable effort be made to notify the landowner whose land the surveyor may need to enter or cross to carry out a survey.

Chapter 161 provides that the duty of care owed by the owner or occupant of the land is the same duty of care owed to a trespasser. This duty of care, established by case law, is the duty to refrain from wantonly, willfully or recklessly causing harm to the surveyor or the surveyor's assistant.

Chapter 161 requires professional land surveyors and their assistants to comply with state and federal safety rules and regulations applicable to the land crossed or entered.

Public Law 2003, chapter 161 was enacted as an emergency measure effective May 15, 2003.

**PUBLIC 162 An Act To Allow District Attorneys To Approve Immunity
Requests**

LD 1399

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORBERT PENDLETON	OTP	

Public Law 2003, chapter 162 changes current law by expressly allowing a district attorney as well as the Attorney General to provide the necessary written approval when the criminal proceeding before a court or grand jury, or the juvenile proceeding before a court, is being prosecuted by the office of the district attorney rather than the Office of the Attorney General or by a person not of either office but authorized by law to act as a representative of the State in a criminal proceeding.

Judiciary

PUBLIC 193 An Act Regarding the Suspension of Licenses for Failure To Pay a Fine LD 701

<u>Sponsor(s)</u> MILLS J WOODCOCK	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-128
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Public Law 2003, chapter 193 amends current law to allow the court to suspend the defendant's license or permit if the defendant fails to pay a fine or any other costs or fees assessed or imposed against the defendant. It also limits the amount of the fine that may be imposed for civil contempt to \$500 and specifies the manner in which the notice of suspension must be provided to the defendant.

PUBLIC 206 An Act To Allow Judges' Faxed Signatures in Involuntary Psychiatric Commitment Proceedings LD 1487

<u>Sponsor(s)</u> WESTON	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 2003, chapter 206 makes a facsimile endorsement of a judge or justice in an involuntary psychiatric commitment proceeding as effective as the original endorsement.

PUBLIC 210 An Act To Require Church Officials To Report Suspected Abuse LD 309

<u>Sponsor(s)</u> BULL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-197
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Public Law 2003, chapter 210 amends the adult protective and child protective laws to require certain persons affiliated with a church or other religious institution to report suspected abuse, neglect or exploitation. It also adds clergy to the list of mandated reporters of adult abuse, neglect or exploitation.

PUBLIC 216 An Act Concerning the Financial Obligations of a Parent Involved in a Crime against a Child of That Parent LD 869

<u>Sponsor(s)</u> TRAHAN HALL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-195
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Public Law 2003, chapter 216 authorizes a court to require a parent to contribute to the financial support of a child at the time the parent's parental rights are terminated.

Judiciary

PUBLIC 224 An Act To Increase the Collection of Child Support

LD 629

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON PENDLETON	OTP-AM	H-194

Public Law 2003, chapter 224 requires the reporting of the hiring of independent contractors to the Department of Human Services in order to locate people who should be paying child support and to verify their ability to pay. Those required to report are the State, any employer who contracts with the State, and their subcontractors.

PUBLIC 236 An Act To Amend the Laws Governing Improvident Transfers of Title

LD 1275

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORBERT GILMAN	OTP	

Public Law 2003, chapter 236 extends the protections of the laws governing improvident transfers of title to a guaranty made by an elderly dependent person. It also extends the protections of the laws governing improvident transfers of title to the personal representative of the estate of an elderly dependent person.

PUBLIC 278 An Act Concerning Representation of the State in Disclosure EMERGENCY Hearings

LD 1404

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORBERT PENDLETON	OTP MAJ ONTP MIN	

Public Law 2003, chapter 278 adds non-attorney employees of the Department of the Attorney General to the list of those who may serve civil process and represent the State in District Court in disclosure proceedings, along with the Department of Labor, Bureau of Unemployment Compensation and the Department of Administrative and Financial Services, Bureau of Revenue Services employees.

Public Law 2003, chapter 278 was enacted as an emergency measure effective May 23, 2003.

Judiciary

PUBLIC 279 **An Act Relating to the Award of Attorneys' Fees and Damages under the Maine Human Rights Act** **LD 1424**

<u>Sponsor(s)</u> NORBERT PENDLETON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-332
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Public Law 2003, chapter 279 authorizes a court to award attorneys' fees and damages to a plaintiff who prevails at trial on a discrimination complaint if the plaintiff establishes that, prior to filing with the court, the plaintiff filed the charge with the Maine Human Rights Commission and the commission erroneously dismissed the case.

PUBLIC 290 **An Act To Ensure Equity for Active Retired Justices of the Supreme Judicial Court Who Perform Judicial Service** **LD 1584**

<u>Sponsor(s)</u> SHERMAN	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 2003, chapter 290 increases the per diem compensation for an Active Retired Justice of the Supreme Judicial Court to match the per diem given to Active Retired Superior Court Justices and Active Retired Judges.

PUBLIC 299 **An Act To Include Alternates as Regular Jurors** **LD 1155**

<u>Sponsor(s)</u> MILLS P	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-325
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Public Law 2003, chapter 299 ensures that all jurors who have heard the evidence in a civil trial participate in determining the verdict unless excused for good cause. It clarifies that the court must seat a jury consisting of 8 or 9 jurors. A verdict must be decided by the unanimous vote of at least 3/4 of the jurors participating in the verdict, unless the parties stipulate otherwise. A jury reduced to 6 or fewer members is not permitted to render a verdict.

PUBLIC 306 **An Act To Protect Health Care Workers Who Report Medical Errors** **LD 720**

<u>Sponsor(s)</u> NORBERT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-396
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Public Law 2003, chapter 306 amends the Whistleblowers' Protection Act to include health care workers who report medical errors to their employers, a patient or the licensing or credentialing authority. The report by the health care worker must be consistent with state and federal privacy laws.

Judiciary

**PUBLIC 323 An Act To Clarify the Appointment of Coguardians and
Coconservators under the Probate Code**

LD 1538

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORBERT PENDLETON	OTP	

Public Law 2003, chapter 323 clarifies that the Probate Court has the authority to appoint coguardians or coconservators under Part 3 and Part 4 of Article 5 of the Probate Code by explicitly stating that this authority exists.

**PUBLIC 339 An Act To Protect Maine Consumers from Hidden Fees and
Charges**

LD 1479

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRANNIGAN	OTP-AM	H-394

Public Law 2003, chapter 339 amends the Unclaimed Property Act to address gift certificates and other gift obligations, such as gift cards. It clarifies the abandonment period of a gift obligation and that the amount abandoned is the face value of the gift obligation. It clarifies that the imposition of a fee or charge on a gift obligation is prohibited unless the fee or charge is noted on the gift obligation. Fees and charges must also be in accordance with the Maine Revised Statutes, Title 33, section 1956, which governs dormancy charges.

**PUBLIC 344 An Act To Amend the Laws Relating to Corporations, Limited
EMERGENCY Partnerships, Limited Liability Companies, Limited Liability
Partnerships and Marks**

LD 1539

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORBERT	OTP-AM	H-419

Public Law 2003, chapter 344 makes numerous changes in the laws governing nonprofit corporations, professional service corporations, partnerships, limited liability partnerships, limited liability companies and trademarks and service marks. Many of the changes are made to provide uniformity between those laws and the newly enacted Maine Business Corporation Act, Title 13-C, which takes effect July 1, 2003.

It changes the standard regarding names to conform to the standards adopted in the new Maine Business Corporation Act, including adopting the standard prohibiting the use of a business name if it is not “distinguishable on the record” from the name of an existing business rather than prohibiting use of a name that is “deceptively similar” to an existing name. It adds definitions; describes the use of extrinsic facts in documents; clarifies certificates of existence, certificates of authority and certificates of fact; clarifies public access to Secretary of State databases and fees for sale of publications. It clarifies the duties of the corporate clerk and the process for changing corporate clerks; clarifies certain provisions relating to series of shares; clarifies shareholder

Judiciary

voting requirements; establishes a process to reinstate suspended corporations; and changes the time frame to correct a default before revocation of authority from 30 to 60 days.

The law makes technical corrections to clarify the application of the new Maine Revised Statutes, Title 13-C, the revised Maine Business Corporation Act, and clarifies that neither Title 13-C or its predecessor, Title 13-A, is intended to restate, codify or supplant the business judgment rule, since the elements of the business judgment rule and the circumstances for its application are developed by the courts. It also corrects cross-references and makes conforming changes necessitated by enactment of Public Law 2001, chapter 640, which repealed the Maine Revised Statutes, Title 13-A and replaced it with Title 13-C, the "Maine Business Corporation Act" and repealed Title 13, chapter 22 and replaced it with Title 13, chapter 22-A, the "Maine Professional Service Corporation Act."

Public Law 2003, chapter 344 was enacted as an emergency measure effective July 1, 2003.

PUBLIC 352 An Act To Improve the Administration of the Baxter Compensation EMERGENCY Program

LD 768

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT BULL	OTP-AM	S-164

Public Law 2003, chapter 352 contains recommendations of the Baxter Compensation Authority.

Chapter 352 requires the Baxter Compensation Authority to include in its annual report to the Governor, the Attorney General and the joint standing committee of the Legislature having jurisdiction over judiciary matters information about the administrative budget and the previous year's expenses. This law repeals the 15% limitation because the annual reporting will allow continuing oversight of the administrative budget. It revises the cap on administrative expenses for the Baxter Compensation Authority by limiting the expenses to \$407,000 per fiscal year, which is the total of the first-year costs estimated by the authority in its report of January 15, 2003, except that the authority is limited by an overall cap on administrative expenses. Over the course of the operation of the program, the maximum amount of the trust fund that can be used for administrative expenses is \$1,500,000.

Chapter 352 addresses confidentiality concerns of claimants and their families. Current law states that once a claim is submitted, the claim becomes a public record. Chapter 352 provides that certain pieces of information become public and allows public oversight of the program.

Chapter 352 also addresses the appeal process. It allows the appeal board to affirm or increase a compensation award, but prohibits a reduction in the amount awarded by the compensation panel. The appeal board may consider records and testimony presented to the compensation panel. It may also accept oral and written arguments from the claimant in support of the claim. If the claimant wants to present new information on appeal, the appeal board will make a determination on whether the new information is appropriate to be considered in connection with the claim. If so, then the appeal board must return the claim to the compensation panel and order the compensation panel to reconsider the decision in light of the new information.

Public Law 2003, chapter 352 was enacted as an emergency measure effective May 30, 2003.

Judiciary

PUBLIC 355 An Act To Clarify the Filing of Municipal Personal Property Tax Liens LD 1311

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORBERT PENDLETON	OTP-AM	H-415

Public Law 2003, chapter 355 amends the provisions of law that govern the creation, perfection and effect of tax liens on personal property. It ensures that filings of personal property tax lien notices will be accepted for filing by the office of the Secretary of State even though these notices will not fully comply with the requirements of Article 9-A of the Uniform Commercial Code. It also clarifies that the filing municipality will have no obligations to secured creditors and lienholders from whom it has not received notice or who have not filed a financing statement in Maine. It further clarifies that all rights of filing municipalities will be governed by Maine law, even where Title 11, Article 9-A might otherwise apply the law of other states. Chapter 355 takes effect October 1, 2003.

PUBLIC 357 An Act Relating to the Protection of Whistleblowers LD 1425

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON PENDLETON	OTP-AM	H-395

Public Law 2003, chapter 357 clarifies that an employee is protected under the Whistleblowers' Protection Act if the employee, acting in good faith, refuses to carry out a directive that would be a violation of law or rule.

PUBLIC 365 An Act To Clarify that the Unauthorized Sale of Public Records Is a Crime LD 1454

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP BRYANT	OTP-AM	H-417

Public Law 2003, chapter 365 prohibits the sale or transfer of public records, which, according to the Maine Revised Statutes, Title 5, section 92-A, excludes publications and copies or documents intended for distribution.

Judiciary

PUBLIC 372 An Act To Protect Plaintiffs and Minor Children in Certain Civil Protection Order Cases

LD 1568

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT COLWELL	OTP-AM	S-165

Public Law 2003, chapter 372 allows the court, in the most dangerous protection from abuse cases, to issue a temporary order that prohibits the defendant from possessing a firearm or other dangerous weapon. It incorporates proven indicators of increased risk of death in domestic violence situations to help the court determine when it is appropriate to grant the permitted relief. It also provides the defendant with a prompt hearing and decision on a motion for dissolution or modification. It requires the court to provide notice, orally or in writing, to a plaintiff, before the plaintiff signs a protection from abuse complaint, that making a false statement under oath in a court document is a crime. Finally, chapter 372 requires a defendant to relinquish possession of firearms and specified dangerous weapons if the defendant is prohibited from possession in either a temporary or permanent protection order.

PUBLIC 377 An Act To Clarify the Duties of Conservators

LD 840

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLETCHER	OTP-AM	H-418

Public Law 2003, chapter 377 amends the Probate Code governing conservators of the estates of minors or disabled persons in the following manner. It provides that if a conservator fails to file the required inventory of the protected person's estate and an interested person makes a prima facie case that property that should have been inventoried is now missing, the burden is on the conservator to show that the property would properly be excluded from the inventory.

This amendment also requires the conservator to file a supplementary inventory or appraisal if the conservator or court learns that property was omitted from the inventory or that the value or description of property included in the inventory is erroneous or misleading. A similar provision exists in the law governing personal representatives of decedents' estates.

PUBLIC 378 An Act Regarding the Duties of a Personal Representative

LD 93

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLETCHER	OTP-AM	H-469

Public Law 2003, chapter 378 provides that if the personal representative does not file or furnish the required inventory of a decedent's estate and an interested person makes a prima facie case that property that should have been inventoried is now missing, the burden is on the personal representative to show that the property would properly be excluded from the inventory.

Judiciary

PUBLIC 383 An Act Regarding Filing and Certification Fees

LD 1072

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ADAMS	OTP-AM	H-416

Public Law 2003, chapter 383 amends the Probate Code to increase the fees allowed a register of probate for receiving and entering a petition or application for estates.

PUBLIC 392 An Act To Protect Critical Homeland Security Information and Information Technology Infrastructure and Systems

LD 1582

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO	OTP-AM	S-190

Public Law 2003, chapter 392 adds an exception to the definition of "public records" in the freedom of access laws to protect a new category of records and information that are not public records: records or information that describes the architecture, design, access authorization, encryption or security of information technology infrastructure and systems.

PUBLIC 396 An Act To Penalize a Person Who is Habitually Late Making Child Support Payments

LD 1298

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCNEIL DAMON	OTP-AM	H-476

Public Law 2003, chapter 396 penalizes child support obligors who are habitually late making child support payments. Under current law, an obligor must be at least 60 days late in making child support payments before the Department of Human Services starts proceedings to revoke driver's licenses, recreational licenses and occupational and professional credentials. Chapter 396 authorizes the department to start those proceedings when a child support obligor is only 30 days late in making child support payments if that obligor has been at least 30 days late in making payments at least twice during the past 24 months.

PUBLIC 400 An Act to Increase Courthouse Security

LD 328

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING BUNKER	OTP-AM	S-215

Public Law 2003, chapter 400 provides training requirements for court security officers, defines "court security officer" in the context of law enforcement training, and requires the Maine Criminal Justice Academy to establish

Judiciary

certification standards and a training program for court security officers. The program must include 100 hours of preservice training for law enforcement officers, a 40-hour training course on court security and continuing education requirements to maintain certification. Completion of basic law enforcement training satisfies the preservice training requirement.

PUBLIC 402	An Act To Ensure Access to Intelligence and Investigative Information	LD 1598
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS J	OTP-AM	H-475

Public Law 2003, chapter 402 provides that intelligence and investigative records may be disseminated to a crime victim or the victim's agent or attorney. The dissemination of the records is subject to reasonable limitations for the same purposes for which dissemination is prohibited under current law.

PUBLIC 409	An Act To Protect Campers by Making Personal Information Confidential	LD 1419
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT	OTP-AM	S-216

Public Law 2003, chapter 409 protects campers in state campgrounds by making confidential camper names, other identifying information and reservation dates during the calendar year for which the reservation is made. It provides that the Department of Conservation, Bureau of Parks and Lands campsite reservation system may disclose the information concerning campers and campsite reservations to law enforcement upon request.

PUBLIC 415	An Act To Create a Uniform Approach to the Determination of Child Support When Parents Provide Substantially Equal Care for Children	LD 234
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-499
	OTP-AM MIN	

Public Law 2003, chapter 415 provides a standard calculation for determining child support for the courts and the parties in cases where the parents provide substantially equal parenting for the child but have unequal incomes.

Judiciary

PUBLIC 433 An Act To Amend the Laws Relating to Medical Certification of the Cause of Death and the Medical Examiner Act and To Create the Maine Elder Death Analysis Review Team LD 1211

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORBERT	OTP-AM MAJ	H-493
PENDLETON	OTP MIN	

Public Law 2003, chapter 433 amend the laws concerning medical certification of cause of death that require the certifying physician to be "authorized to practice in the State;" clarifies that the ultimate determination as to whether a reported death constitutes a medical examiner case is to be determined by the Chief Medical Examiner, barring a directive from the Attorney General or district attorney having jurisdiction; adds a new category of death that must be reported but need not be accepted by the Chief Medical examiner as a medical examiner case; and creates the Maine Elder Death Analysis Review Team to examine deaths and serious injuries associated with suspected abuse or neglect of elderly adults and vulnerable adults.

PUBLIC 435 An Act To Make Technical Changes to the Laws Concerning Tobacco Manufacturers LD 1511

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORBERT	OTP MAJ	
PENDLETON	ONTP MIN	

Public Law 2003, chapter 435 makes 3 technical changes in the Maine Revised Statutes, Title 22, chapter 263, subchapter 3, the tobacco manufacturers laws, which is the law the State adopted to ensure payments under the 1998 multistate legal settlement with tobacco companies. First, it delegates the rule-making authority under the law to the Attorney General. Second, it changes the way allocable share releases from escrow are calculated for tobacco manufacturers who do not participate in the master settlement agreement. Third, it provides that, in the event the new method is found unconstitutional by a court and the statute, without an allocable share provision is found to be unconstitutional, the statute reverts to the form it was in prior to the changes made by this chapter.

PUBLIC 436 An Act To Enact the Uniform Interstate Family Support Act Amendments of 1996 and 2001 LD 986

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN	OTP-AM	S-207

Public Law 2003, chapter 436 incorporates into Maine law the 1996 and 2001 amendments to the Uniform Interstate Family Support Act.

Judiciary

PUBLIC 438 An Act To Protect Health Care Practitioners Responding to Public Health Threats

LD 846

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHIELDS PENDLETON	OTP-AM MAJ ONTP MIN	H-435

Public Law 2003, chapter 438 provides limited immunity from civil liability for health care practitioners and emergency medical services' persons who provide services in response to a public health threat. It repeals and replaces the current law concerning immunity from civil liability for volunteer activities.

PUBLIC 452 An Act To Implement Recommendations of the MCJUSTIS Policy Board Concerning the Drafting of Crimes and Civil Violations Pursuant to Resolve 1997, Chapter 105, as Amended

LD 1567

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-557

Public Law 2003, chapter 452 is the report of the Maine Criminal Justice Information System, MCJUSTIS, Policy Board pursuant to Resolve 2001, chapter 45. It amends civil and criminal violations throughout the statutes to provide a unique statutory cite for each violation.

The bill changes references to monetary sanctions authorized by law, including fines, forfeitures, penalties or surcharges imposed by the court for a civil violation, to "fine" unless the sanction is payable to an entity other than the State, in which case the sanction continues to be identified as a civil penalty. A general provision that indicates this change is added to Title 14

The provisions concerning terminology for civil monetary sanctions take effect 90 days after adjournment of the First Regular Session of the 121st Legislature, while the rest of chapter 452 takes effect July 1, 2004.

PUBLIC 460 An Act To Simplify Calculation of Legal Interest
EMERGENCY

LD 1132

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	H-571 MILLS P

Public Law 2003, chapter 460 amends the judicial rates of interest to equal the one-year U.S. Treasury bill rate plus 3% for prejudgment interest and the one-year Treasury bill rate plus 6% for post-judgment interest. In actions involving a contract or note that contains a provision relating to interest, the rate set forth in the contract or note is the interest rate for prejudgment interest. For post-judgment interest, the rate of interest is the rate set forth in the note or the Treasury bill rate plus 6%, whichever is greater.

Judiciary

The new prejudgment interest rate applies to complaints filed on or after July 1, 2003. For actions in which prejudgment interest has begun to accrue prior to July 1, 2003, the prejudgment interest rate is 8% if the judgment does not exceed \$30,000. For verdicts over \$30,000, the prejudgment interest rate is the one-year U.S. Treasury bill rate plus 1%.

The new post-judgment interest rate applies to judgments issued on or after July 1, 2003.

Public Law 2003, chapter 460 was enacted as an emergency measure effective July 1, 2003.

P & S 13	An Act To Amend the Constitution of the Maine Episcopal Missionary Society	LD 971
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL RECTOR	OTP-AM	S-49

Private and Special Law 2003, chapter 13 amends the charter of the Maine Episcopal Missionary Society by removing the \$100,000 limit on the value of real or personal estate held by the society. It also amends the Private and Special Law of 1875, chapter 11 concerning the membership of the Maine Episcopal Missionary Society to provide that the sole member of the Maine Episcopal Missionary Society is the Episcopal Diocese of Maine.

P & S 18	An Act To Release the Records of the Attorney General and the Maine State Police Regarding the Investigation, Prosecution and Trial of Dennis Dechaine	LD 1097
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN PARADIS	OTP	

Private and Special Law 2003, chapter 18 exempts certain intelligence and investigative records of the Department of the Attorney General from the operation of Public Law, 1993, chapter 719, section 11 that declared all such records to be confidential. Instead, those records pertaining the unlawful homicide of Sarah Cherry in Bowdoin become subject to the Maine Revised Statutes, Title 16, section 614, which applies to intelligence and investigative records after July 1, 1995.

RESOLVE 12	Resolve, Concerning the Titling of Mobile Homes, Boats, All-terrain Vehicles, Snowmobiles and Other Property	LD 286
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORBERT	OTP-AM	H-141

Judiciary

Resolve 2003, chapter 12 requires the Secretary of State to study the issue of titling mobile homes, boats, all-terrain vehicles, snowmobiles and other similar types of property not already titled in this State. The Secretary of State shall include interested parties and report back before January 15, 2004 with recommendations. The Joint Standing Committee on Judiciary is authorized to report out legislation to the Second Regular Session of the 121st Legislature.

RESOLVE 25 Resolve, Directing the Family Law Advisory Commission To Study LD 865
and Report on the Uniform Parentage Act and Similar Laws and
Proposals

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS J	OTP-AM	H-127

Resolve 2003, chapter 25 directs the Family Law Advisory Commission to study issues relating to surrogate parenting, gestational agreements and the Uniform Parentage Act and related laws and proposals. It authorizes the commission to introduce legislation based on its findings to the Second Regular Session of the 121st Legislature.

RESOLVE 36 Resolve, Requiring the Maine Human Rights Commission To LD 523
Report on Complaints Involving Supervisors

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON CATHCART	OTP-AM	H-285

Resolve 2003, chapter 36 requires the Maine Human Rights Commission to report to the Joint Standing Committee on Judiciary the number of complaints it has received in which a supervisor commits employment discrimination, but the employer avoids liability through the use of an affirmative defense. The information will assist the committee in understanding what impact, if any, the affirmative defense provided by the decision in Faragher v. City of Boca Raton, 524 U.S. 775 (1998), and used in federal employment discrimination cases, has had on cases in Maine.

RESOLVE 62 Resolve, Regarding Legislative Review of Rules for the Audio LD 1585
EMERGENCY Recording of Planned Interviews of Children, a Major Substantive
Rule of the Department of Human Services

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-477

Resolve 2003, chapter 62 provides for legislative review of Rules for the Audio Recording of Planned Interviews of Children, a major substantive rule of the Department of Human Services.

Resolve 2003, chapter 62 was passed as an emergency measure effective June 3, 2003.

Judiciary

Judiciary

RESOLVE 83 **Resolve, To Establish the Committee To Study Compliance with
Maine's Freedom of Access Laws**

LD 1079

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN ROTUNDO	OTP-AM	H-326 H-592 KOFFMAN S-280 GAGNON

Resolve 2003, chapter 83 establishes the Committee to Study Compliance with Maine's Freedom of Access Laws, consisting of Legislators, municipal and county officials, media representatives, the Attorney General, the Commissioner of Public Safety, members of the public and a representative of privacy interests to address issues relating to state and governmental compliance with Maine's freedom of access laws. The study committee may seek and accept outside funding, except that funding may not come from any party having a pecuniary or vested interest in the outcome of the study. The study committee is required to issue a report to the Joint Standing Committee on Judiciary, including findings and recommendations, by December 3, 2003.

RESOLVE 98 **Resolve, Approving the 2003 Draft and Arrangement of the**
EMERGENCY **Constitution of Maine Made by the Chief Justice of the Supreme
Judicial Court and Providing for its Publication**

LD 1630

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>

The Legislature's passage of Resolve 2003, chapter 98 constitutes approval of the Constitution of Maine as arranged by the Chief Justice of the Supreme Judicial Court pursuant to the Constitution of Maine, Article X, Section 6. The text of the Constitution of Maine as recodified by the Chief Justice is included in the printed version of LD 1630 as Appendix "A." LD 1630 was passed without reference to a committee. Once finally passed by the Legislature, it was sent to the Secretary of State pursuant to the Constitution of Maine, Article X, Section 6 rather than being presented to the Governor for his signature.

Resolve 2003, chapter 98 was passed as an emergency measure effective June 13, 2003.

Labor

**PUBLIC 10 An Act to Ensure that Child Labor Laws Apply to Public Sector
Employers**

LD 34

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS SMITH W	OTP	H-11 SMITH W

Public Law 2003, chapter 10 provides that child labor laws apply to public employers as well as to private employers, except that they do not apply to service in the National Guard.

**PUBLIC 28 An Act To Expand Unemployment Benefits
EMERGENCY**

LD 83

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK STANLEY	OTP-AM	H-16 H-21 CLARK

Public Law 2003, chapter 28 provides that a person is not disqualified from receiving unemployment compensation benefits on the grounds that the person volunteered to be laid off, when a layoff or reduction in force is announced by the employer and the employer asks for volunteers.

Public Law 2003, chapter 28 was enacted as an emergency measure, effective April 8, 2003.

**PUBLIC 52 An Act to Amend the Laws Governing the Extension of Benefits for
Partial Incapacity Under the Maine Workers' Compensation Act of
1992**

LD 10

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-62

Public Law 2003, chapter 52 allows the Workers' Compensation Board, on a case-by-case basis, to delegate to hearing officers the authority to hear and decide cases involving a request for an extension of benefits due to extreme financial hardship due to inability to return to gainful employment. The case may be heard by a single hearing officer or a panel of three hearing officers, and hearing officer decisions on these matters may not be appealed to the Board.

Labor

PUBLIC 53 An Act to Amend the Child Labor Laws

LD 6

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL	OTP-AM	H-56

Public Law 2003, chapter 53 provides that the work hour restrictions applicable to 16-year-old and 17-year-old minors are determined by whether the school attended by the minor is in session, rather than by reference to the public school schedule. The permissible work hours are more restrictive when the minor's school is in session than when it is not.

PUBLIC 58 An Act To Provide Employees Fair Access to Personnel Files

LD 411

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH PR EDMONDS	OTP-AM	H-54

Current law gives employees in the private sector the right to review their personnel files and to obtain a copy of the file, at the employee's expense. Public Law 2003, chapter 58 amends the law to require that, in each calendar year, the employer is required to provide a copy of the entire personnel file when the employee or former employee requests it, at no cost to the employee. Upon a second request in the same calendar year, the employer would be required to provide at the employer's expense only a copy of material added to the personnel file between the time the entire file was copied and the time of the request. An employee or former employee may make other requests in the same calendar year, but the employee must pay the costs of copying any additional material requested.

PUBLIC 59 An Act To Improve the Health and Safety of Young Workers

LD 170

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE BRYANT	OTP-AM	H-64

Public Law 2003, chapter 59 requires that the Department of Labor rules prohibiting minors from working in hazardous jobs must include a rule prohibiting minors from working in confined spaces or at a certain height, when federal Occupational Safety and Health Administration regulations would require special procedures or precautions for such work. It requires that the rules limiting minors from such work include specific exceptions for work needed for public safety. It also restructures the entire section of law to make it easier to read.

Labor

PUBLIC 76 **An Act to Extend the Jurisdiction of the Maine Labor Relations Board to Employees of Public Higher Education Institutions Who Have Been Employed Less than Six Months** **LD 68**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL	OTP-AM	H-83
EDMONDS		

Public Law 2003, chapter 76 amends the collective bargaining law governing higher education employees. It removes the exclusion of persons who have been employed less than 6 months, provides for negotiation of initial probationary periods and establishes a minimum 6-month probationary period during which an employee may be terminated without just cause.

PUBLIC 93 **An Act to Amend the Laws Governing the Workers' Compensation Board Administrative Fund** **LD 9**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-106

Public Law 2003, chapter 93 allows the Workers' Compensation Board to use its reserve funds for any of the purposes set forth in Title 39-A, the Maine Workers' Compensation Act of 1992. It also requires the Board to notify the joint standing committee of the Legislature having jurisdiction over labor matters whenever the Governor and the State Budget Officer approve a request by the Workers' Compensation Board to use reserve funds to exceed its legislatively authorized allocation.

PUBLIC 95 **An Act To Require Disclosure of the Amount and Duration of Unemployment Benefits to Recipients** **LD 954**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP-AM	H-104
EDMONDS		

Public Law 2003, chapter 95 requires the Department of Labor, upon inquiry from a person, to provide that person an estimate of the amount and duration of unemployment benefit payments likely to be paid to that person. Inquiry may be made by telephone, and is not considered to be an application for benefits. The estimate will be provided for benefits that would be paid if the individual applied on the day of the inquiry, and, if the inquiry is made within 2 weeks before the beginning of a calendar quarter, an estimate will be provided of benefits that would be paid if the individual applied after the beginning of that calendar quarter.

Labor

**PUBLIC 96 An Act To Allow Recipients To Withdraw from Receiving
Unemployment Benefits by Phone and at Any Time before
Receiving Benefits**

LD 955

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON EDMONDS	OTP-AM	H-103

Public Law 2003, chapter 96 allows a claimant for unemployment benefits to withdraw the claim at any time before receiving benefits. Withdrawal may be initiated by telephone, but the Department of Labor may require a person to submit a signed withdrawal authorization following the withdrawal by phone. A person who cashes a benefit check is deemed to have revoked any withdrawal of that claim.

PUBLIC 99 An Act To Establish a Transportation Assistance Pilot Program

LD 334

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON	OTP-AM	S-43

Public Law 2003, chapter 99 creates a 2-year pilot program to allow use of up to \$250,000 each year from the Kim Wallace Adaptive Equipment Loan Program Fund to make loans to persons with disabilities in rural areas of the State to assist them in purchasing used motor vehicles for the purpose of traveling to and from work. Loans may be made for the purchase of a vehicle needed as part of an individualized plan towards employment, in amounts up to \$7,000 per qualifying borrower. The Kim Wallace Adaptive Equipment Loan Program Fund Board will present a report on the pilot program to the legislative committee having jurisdiction over transportation matters by January 1, 2005.

**PUBLIC 114 An Act to Conform State Workforce Development Laws to the
Federal Workforce Investment Act of 1998**

LD 1093

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS SMITH W	OTP	

Public Law 2003, chapter 114 updates state workforce development laws to reflect the changes in federal law from the Job Training Partnership Act to the Workforce Investment Act of 1998. It deletes obsolete language, updates references and defines terms.

Labor

PUBLIC 163 An Act To Allow for Immediate Unemployment Fact-finding Interviews for Able and Availability Issues LD 1453

<u>Sponsor(s)</u> EDMONDS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-81
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Public Law 2003, chapter 163 allows the Department of Labor, Bureau of Unemployment Compensation, to hold an immediate fact-finding interview when an individual submits information in a weekly unemployment claim indicating that the claimant was not available for work during the claim week. The Department may modify the benefit check amount accordingly based on the information provided by the claimant during the fact-finding interview.

PUBLIC 164 An Act To Improve Timeliness of Unemployment Trust Fund Deposits LD 1476

<u>Sponsor(s)</u> SMITH W		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-147
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Public Law 2003, chapter 164 modifies the process for depositing unemployment insurance contributions from employers into the Unemployment Trust Fund to eliminate delays in the deposit. Currently there is a 2-step process, which is inefficient and creates conditions that may not meet federal standards.

PUBLIC 197 An Act To Raise the Threshold under the Fair Minimum Wage Rate on Construction Projects Law LD 1532

<u>Sponsor(s)</u> PATRICK		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Public Law 2003, chapter 197 increases the threshold for requiring a wage and benefit determination on a state construction project from \$10,000 to \$50,000.

PUBLIC 214 An Act To Allow a Retiree Eligible for State-paid Health Insurance Coverage To Decline Coverage and Reenroll at a Later Date LD 1277

<u>Sponsor(s)</u> WESTON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-102
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Public Law 2003, chapter 214 allows a retired state employee who is eligible for retiree health insurance to decline coverage for some period of time and then reenroll in the program at a later date without penalty. A person may elect to decline health insurance coverage at the time of retirement and retain the option to reenroll pursuant to the provisions of this new law, or a person may elect to withdraw from health coverage at any time

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after retirement, provided the person had elected at the time of retirement to be covered by the state health insurance plan. It also clarifies the conditions under which the spouse or dependent of a retiree who reenrolls may obtain coverage under the health insurance plan.

PUBLIC 225	An Act To Amend the Laws Governing Noncompete Clauses in Broadcast Industry Contracts	LD 1120
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRUNO	OTP MAJ ONTP MIN	

Under current law, a provision in a broadcasting industry employment contract is presumed unreasonable if it prevents a person from working for a competing employer in a particular geographic area for a certain amount of time after the contract is completed or the person is let go from employment. Current law excludes contracts with sales persons from this presumption. Public Law 2003, chapter 225 removes that exclusion.

PUBLIC 244	An Act To Revise the Standards for Reporting Public Sector Workplace Deaths and Serious Injuries	LD 1544
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS DUPLESSIE	OTP	

Public Law 2003, chapter 244 reduces the time frame within which a public employer must report a death or serious injury to the Director of the Bureau of Labor Standards within the Department of Labor from 48 hours to 8 hours for a death and 24 hours for a serious injury, consistent with federal requirements under the Occupational Safety and Health Administration regulations.

PUBLIC 261	An Act Relating to Employees Whose Membership in the Maine State Retirement System is Optional	LD 672
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM	S-138

Public Law 2003, chapter 261 clarifies the ability of an employee whose membership in the Maine State Retirement System is optional, including confidential employees of the Maine Community College System, to reenter the system after having earlier withdrawn. It provides that any employee whose membership is optional may purchase service credit for the time during which that person was eligible to be in the Maine State Retirement System but elected not to join the Maine State Retirement System. The employee would be required to pay the full actuarial cost of the service credit. Finally, it provides that a confidential employee of the Maine Community College System whose membership is optional and who is not represented by a union may join or rejoin the Maine

Labor

State Retirement System only when the funds necessary to pay the additional costs to the Maine Community College System have been identified and designated.

PUBLIC 273 An Act Pertaining to Former Members of the Maine State Retirement System

LD 831

<u>Sponsor(s)</u> MCLAUGHLIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-322
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Public Law 2003, chapter 273 allows a municipality or other participating local district that has withdrawn from the Maine State Retirement System to elect to adopt any provision of the Maine State Retirement System laws after the local district withdraws from the retirement system, regardless of whether the provision was enacted before or after the local district's withdrawal. Those changes would apply only to persons who remained in the retirement system plan at the time the local district withdrew from the retirement system.

PUBLIC 324 An Act To Authorize Certain Former Members of the Maine State Retirement System To Rejoin the Maine State Retirement System

LD 1535

<u>Sponsor(s)</u> GAGNON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-152
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A previously enacted law (Public Law 2001, chapter 442) removed the earnings cap for retirees under the Maine State Retirement System who returned to covered service and, at the same time, precluded those retirees from being restored to membership in the Maine State Retirement System. Public Law 2003, chapter 324 allows a recipient of retirement benefits under the Maine State Retirement System at the time the law was changed who had returned to covered service to rejoin the system in certain circumstances, which would allow the member potentially to increase retirement benefits.

Under chapter 324 such an employee may exercise the option to be retroactively restored to membership in the Maine State Retirement System. In that case, the employee is required to pay back to the retirement system over earnings while not a member, to pay the full actuarial cost of the new retirement benefit based on additional creditable service allowed under this chapter and to repay retirement benefits received after being retroactively restored to membership. An employee also has the option to be restored to membership prospectively. That employee must repay the retirement system for any over earnings while retired before Public Law 2001, chapter 442 was enacted.

Public Law 2003, chapter 324 was enacted as an emergency measure, effective May 27, 2003.

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PUBLIC 328	An Act Concerning Disability Retirement Benefits under the Maine State Retirement System	LD 1248
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP CATHCART	OTP-AM	H-355

Public Law 2003, chapter 328 changes the formula for reducing a disability retirement benefit in Participating Local Districts of the Maine State Retirement System in situations in which the disability retiree collects benefits under either or both the United States Social Security System or workers' compensation laws as well as receiving a benefit under the retirement system. Under current law, the retirement system benefit in such cases is reduced to an amount that, added to the Social Security or workers' compensation benefits, does not exceed 80% of the disability retiree's average final compensation from employment covered by the state retirement system. P.L. 2003, chapter 328 changes the formula in Participating Local Districts so that the 80% reduction is based on the retiree's total wages and compensation from all employment, not just employment covered by the retirement system.

PUBLIC 348 EMERGENCY	An Act To Provide Group Health Insurance Coverage to Maine Citizens Eligible for Assistance Under the Federal Trade Adjustment Assistance Reform Act of 2002	LD 1576
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT COLWELL	OTP-AM	S-228

Public Law 2003, chapter 348 makes group health insurance coverage available to certain displaced workers, retirees and their dependents who are eligible to receive federal health insurance subsidy payments under the federal Trade Adjustment Assistance Reform Act of 2002.

Public Law 2003, chapter 348 was enacted as an emergency measure, effective May 29, 2003.

PUBLIC 382	An Act To Improve the Operation of the Workers' Compensation Board	LD 658
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH W EDMONDS	OTP-AM MAJ ONTP MIN	H-57

Public Law 2003, chapter 382 moves authority to review nominations of Workers' Compensation Board members from the joint standing committee having jurisdiction over state and local government matters to the committee having authority over labor matters.

Labor

PUBLIC 387 An Act To Amend the Laws Relating to the Maine State Retirement System

LD 1501

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS SMITH W	OTP-AM	S-179

Public Law 2003, chapter 387 makes several changes in the laws of the Maine State Retirement System. Chapter 387 does the following:

1. Amends the definition of Consumer Price Index that applies to judges for cost of living adjustments and other purposes to make it consistent with the definition that applies to all other Maine State Retirement System members.
2. Brings state law into compliance with federal law with respect to the period of time that a member may continue to earn creditable service while on a leave of absence in order to serve in the military.
3. Extends rehabilitation services to additional disability retirement recipients and makes participation in rehabilitation services designed to assist their return to substantially gainful activity optional—an activity that must be mutually agreed to by the Executive Director of the Maine State Retirement System and the retiree. The law also repeals the discontinuance of disability retirement benefits to recipients who decline to participate in the rehabilitation services program.
4. Makes the withdrawal of contributions from the Maine State Retirement System optional when a member who is covered by the Social Security Act elects to cease contributing to Maine State Retirement System and when a member who is covered by an employer-provided retirement plan elects to cease contributing to the Maine State Retirement System.
5. Changes the attendance and voting requirements under which the Participating Local District Advisory Committee transacts business and adds the retirement system staff to those permitted to make rule amendment proposals regarding the consolidated retirement plan for local district employees to the Board of Trustees of the Maine State Retirement System. The Participating Local District Advisory Committee was previously the sole entity permitted to make such proposals.
6. Makes changes to the recently enacted law (Public Law 2001, chapter 442) allowing state employees, teachers and participating local district members of the retirement system to retire and return to covered employment without a limitation on earnings. First, to comply with federal age discrimination law, chapter 387 provides that retirees who take advantage of the new state law and exercise their choice to retire without a cap on their earnings while retired but also without the ability to accrue additional service credit for retirement purposes do so willingly and knowingly. Second, it directs the retirement system to adopt rules regarding termination of employment to comply with federal tax law and regulations. Third, the law provides the retirement system the ability to collect the necessary information from employers to determine the impact of the new law on the costs of the plan.

Labor

PUBLIC 423 An Act To Provide Equitable Treatment to State Employees

LD 1619

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J TREAT	OTP-AM	H-531

Public Law 2003, chapter 423 amends certain state labor laws to equalize the treatment of state employees to the treatment of private sector employees. Recent United States Supreme Court cases have ruled that the State, as an employer, cannot be sued under certain federal employment laws unless the State consents to be sued. Instead of waiving immunity to allow state employees to sue the State under federal labor law, PL 2003, chapter 423 amends state labor laws to provide remedies to state employees under state law.

It includes state employees, except for legislative employees, in the law requiring employers to pay time-and-a-half for overtime hours worked. Currently all public employees are exempt from that requirement. It amends the remedy provision so that state employees who are not paid the appropriate overtime wage recover only the amount of unpaid wages, not liquidated damages or attorney's fees as provided for private sector employees. It provides for a 3-year statute of limitations for violations of the minimum wage law for state employees if the violation of the law is willful. Compensatory time may in some instances be substituted for overtime pay, when allowed by federal law.

PL 2003, chapter 423 amends the workers' compensation law to provide that state employees who are barred from suing the State under admiralty law or certain federal laws because of sovereign immunity are not excluded from coverage under the state workers' compensation law.

PUBLIC 424 An Act To Prohibit the Use of Workers' Compensation Trust Funds for Political Contributions

LD 974

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH PH	OTP-AM MAJ	S-161
HATCH PR	ONTP MIN	S-213 EDMONDS

Public Law 2003, chapter 424 prohibits self-insuring employers and employer groups from using workers' compensation trust funds to make contributions to political candidates or political action committees. It also requires individual or group self-insurers, when they apply to the Superintendent of Insurance for renewal of authority to self-insure, to include a certification that no political contributions have been made from the trust fund in violation of the Maine Revised Statutes, Title 39-A, section 403, subsection 18.

Labor

**PUBLIC 425 An Act To Increase the Assessment on Workers' Compensation
EMERGENCY Insurance To Fund the Workers' Compensation Board
 Administrative Fund**

LD 35

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	S-255 EDMONDS
	OTP-AM MIN	S-61

Public Law 2003, chapter 425 increases the cap on the assessment levied to fund the operations of the Workers' Compensation Board to \$8,390,000 in fiscal year 2003-04, \$8,565,000 in fiscal year 2004-05 and \$8,525,000 in fiscal year 2005-06. Included in the increased assessment cap for fiscal years 2003-04 and 2004-05 is \$40,000 for the board to contract for programming services to implement electronic filing by insurers and self-insurers. The law also provides for the worker advocate and support staff positions that were not included in the Part 1 budget bill due to lack of revenue to fund the positions.

The law requires the Workers' Compensation Board to adopt rules requiring the electronic filing of information with the board. The rules are routine technical rules but must be developed through the consensus-based rule development process described in the Maine Administrative Procedure Act.

The law creates a 6-member commission to review the Workers' Compensation Board's budget process for establishing, approving and monitoring its budget, with 4 Legislators and 2 members of the Workers' Compensation Board. The commission will report its findings and recommendations to the Joint Standing Committee on Labor by December 3, 2003.

Public Law 2003, chapter 425 was enacted as an emergency measure, effective July 1, 2003.

**PUBLIC 432 An Act to Amend the Laws Governing Wage and Benefit Records
 of Persons Working on Public Works Projects**

LD 361

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUTTON	OTP-AM MAJ	H-93
EDMONDS	ONTP MIN	

Public Law 2003, chapter 432 requires contractors and subcontractors on public works projects to monthly file their wage and benefit records with the public agency that entered into the contract. The records must include information about independent contractors working with the contractors and subcontractors as well as information about employees of those contractors and subcontractors. The records filed with the public agency are public records, but the public agency must adopt rules to prevent the disclosure of certain personal information, such as a person's Social Security number or taxpayer identification number.

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PUBLIC 437 An Act To Protect Maine Families When Workplace Fatalities Occur

LD 476

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE	OTP-AM MAJ	H-96
EDMONDS	ONTP MIN	

Public Law 2003, chapter 437 amends current law relating to the inclusion of the value of discontinued benefits in calculating an employee's average weekly wages, earnings or salary for purposes of workers' compensation. Currently, that value is not included in the calculation to the extent that the inclusion causes the wage to exceed 2/3 of the state average weekly wage at the time of injury. This law removes the 2/3 limitation in the event of an employee's death so that more of the value of such benefits may be used in determining the death benefit due to survivors.

PUBLIC 442 An Act Regarding Wrongful Discharge

LD 1117

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUTTON	OTP-AM MAJ	H-265
BRYANT	OTP-AM MIN	H-527 HUTTON

Public Law 2003, chapter 442 requires the Department of Labor to print the notice that Maine employees are generally “at-will” employees, contained in the Regulation of Employment poster, in a bold typeface that is larger than in the current poster printing.

PUBLIC 458 An Act to Ensure that Maine's Unemployment System is Responsive to the Needs of Today's Workforce

LD 240

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORTON	OTP-AM MAJ	H-482
EDMONDS	ONTP MIN	H-528 SMITH W

Current law requires that, in order to be eligible to receive unemployment compensation benefits, a person must be able, available for and actively seeking full-time work. Public Law 2003, chapter 458 provides that a person who is able, available and seeking only part-time work is not disqualified from receiving benefits if (1) the person had a history of part-time work and continues to seek work for a comparable number of hours per week; or (2) the person can only work part-time because of a family member’s illness or disability or because of the safety of the person or the person’s family member. This provision allowing a person to limit his or her work search to part-time work does not apply to applications for unemployment benefits filed on or after October 1, 2005.

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**PUBLIC 471 An Act To Improve Collection of Information about Work-related
Injuries and To Enhance Injury Prevention Efforts**

LD 398

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM MAJ	S-239 EDMONDS
HATCH PR	ONTP MIN	

Public Law 2003, chapter 471 provides that employers may be required to electronically file with the Workers Compensation Board reports of injuries that required medical attention, but did not result in loss of work days, if the Board adopts major substantive rules to require such filing.

**PUBLIC 485 An Act To Clarify Eligibility in the Maine State Retirement System
Life Insurance Program**

LD 1107

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE	OTP-AM	H-363

Public Law 2003, chapter 485 allows a member of the Maine State Retirement System who has life insurance coverage as a retiree, but who becomes reemployed in a position that qualifies for life insurance, to purchase active employee coverage at the person's own expense.

PUBLIC 486 An Act Concerning Retirement Benefits for State Employees

LD 1009

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE	OTP-AM MAJ	H-441
DAGGETT	ONTP MIN	S-298 CATHCART

Public Law 2003, chapter 486 allows Maine State Retirement System retirees to have their average final compensation calculated as if they did not take days off without pay during the 2002-2003 fiscal year, provided they elect at the time of retirement to make a retroactive payment of the contribution that would have been made on that compensation, plus interest. This applies to persons who took days off without pay pursuant to legislative action, Executive Order, or authorization of the State Court Administrator, and who use 2002 or 2003 as one of their high-three years of compensation.

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**PUBLIC 489 An Act To Clarify Immunity and Workers' Compensation for
Search and Rescue Volunteers**

LD 1435

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE BRYANT	OTP-AM	H-452 S-310 CATHCART

Public Law 2003, chapter 489 provides safeguards for persons who volunteer to perform search and rescue activity at the request of a state, county or local government. It provides immunity from lawsuits for injury or damage while the person is conducting search and rescue by including those persons as “employees” under the Maine Tort Claims Act. It also includes those persons as employees of the state for workers’ compensation purposes, but only if the person is certified by the Maine Emergency Management Agency as a qualified search and rescue worker.

**P & S 6 An Act to Establish the Administrative Operating Budget for the
EMERGENCY Maine State Retirement System for the Fiscal Year Ending June 30,
2004**

LD 11

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-63

Private and Special Law 2003, chapter 6 provides an allocation of \$9,959,245 for the operating budget of the Maine State Retirement System for fiscal year 2003-04.

Private and Special Law 2003, chapter 6 is an emergency measure and takes effect July 1, 2003.

**P & S 23 An Act To Allocate a Portion of the Reed Act Distribution of 2002
To Use for the Administration of the Unemployment Insurance and
Employment Services Programs**

LD 1552

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS TREADWELL	OTP-AM	S-180

Under federal law, money in the federal Unemployment Trust Fund may be distributed to the states, to be used for state unemployment and employment services programs, when the balance in the federal Trust Fund exceeds a certain amount. Such a distribution is known as a “Reed Act” distribution. Maine received a Reed Act distribution in 2002 of \$32,486,816.

Private and Special Law 2003, chapter 23 authorizes the use of \$9,760,000 of these funds to maintain and operate the State's unemployment and employment offices, including expanded unemployment, employment and labor market information program services for workers and employers in the State; expanded customer access options for program services; toll-free customer access to unemployment services delivered via telephone;

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technology improvements; and accessibility improvements to the offices in Augusta. The remainder of the Reed Act funds would remain in the federal Unemployment Trust Fund, accessible by the State, to pay unemployment benefits when needed.

RESOLVE 63 **Resolve, Directing the Department of Labor, Bureau of Unemployment Compensation To Provide Access to a Toll-free Telephone Number** **LD 116**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT	OTP-AM MAJ ONTP MIN	H-518 SMITH W S-168

Resolve 2003, chapter 63 requires the Department of Labor, Bureau of Unemployment Compensation to provide a toll-free telephone line if, and to the extent that, funds are allocated for that purpose from the Reed Act Distribution of 2002. The line would allow persons to obtain information about unemployment benefits and to file for benefits. See also LD 1552, Private and Special Law 2003, chapter 23.

RESOLVE 74 **Resolve, Regarding Legislative Review of Chapter 14: Rules** **LD 1627**
EMERGENCY **Governing Alternative Methods of Payment of Overtime for**
Certain Drivers and Drivers Helpers, a Major Substantive Rule of
the Department of Labor, Bureau of Labor Standards

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ OTP-AM MIN	H-556

Resolve 2003, chapter 74 authorizes final adoption of Department of Labor Rule Chapter 14, which sets forth an alternative method of payment for overtime worked by certain trucker drivers and drivers' helpers, allowing employers to pay on a basis other than hours worked, e.g., by miles driven. The Resolve also requires the Department of Labor to seek an opinion of the Attorney General regarding the Department's ability to take into account the number of hours worked outside the State in determining the required amount of pay for work conducted within the State. The Department must meet with the Labor Committee in September, 2003 to discuss the Attorney General's opinion and the Department's response to the opinion.

Resolve 2003, chapter 74 was finally passed as an emergency measure, effective June 16, 2003.

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RESOLVE 76 **Resolve, To Create the Task Force To Study Parity and Portability**
EMERGENCY **of Retirement Benefits for State Law Enforcement Officers,**
 Municipal and County Law Enforcement Officers and Firefighters

LD 1343

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J	OTP-AM	H-190
EDMONDS		S-275 GAGNON

Resolve 2003, chapter 76 creates an 8-member task force to review the differences in retirement benefits offered to state, county and local law enforcement officers and firefighters, to develop options for providing parity and improving portability of benefits, and review differences in benefits among municipal law enforcement officers and firefighters in different municipalities and consider creating a uniform benefit plan.

Resolve 2003, chapter 76 was passed as an emergency measure effective June 17, 2003.

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PUBLIC 3 **An Act Eliminating the Receipt by the Maine Veterans' Homes of**
EMERGENCY **Any Reimbursement from the MaineCare Program for the Costs of**
 Renovating the Existing 120-bed Maine Veterans' Homes Nursing
 Facility in Augusta

LD 373

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL	OTP-AM	H-10
GAGNON		

Public Law 2003, chapter 3 prohibits the Department of Human Services from reimbursing the Maine Veterans' Homes with MaineCare funds for costs associated with renovations to its 120-bed nursing facility in Augusta in connection with a certificate of need application filed January 22, 2002, and clarifies that a Legislative appropriation of funds for the cost of the renovations is not required. The law also exempts this Maine Veterans' Homes renovation project from the provision of law that prohibits the Department of Human Services from modifying its principles of reimbursement for long-term care facilities to exclude reimbursement for depreciation of assets created with federal or state grants and directs the department to amend its rules accordingly.

Public Law 2003, chapter 3 was enacted as an emergency measure effective February 19, 2003.

PUBLIC 68 **An Act Regarding the Sale of Hard Cider**

LD 625

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HEIDRICH	OTP	
MAYO		

Current law states that hard cider may be sold by a retail liquor licensee who has a license to sell wine. Under current law, hard cider is taxed under a malt liquor product category. Public Law 2003, chapter 68 specifies that hard cider may be sold under a malt liquor license.

PUBLIC 69 **An Act Regarding the Sampling of Products**

LD 122

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODCOCK	OTP-AM	S-19

Public Law 2003, chapter 69 amends current law to allow a partial bottle of wine as a sample. The law also requires a wholesale licensee to document the amount of product sampled along with other details of the sampling. Additionally, this law brings state law into compliance with federal law concerning the amount of beer and wine samples that may be given to a retail licensee on an annual basis.

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PUBLIC 81 An Act To Clarify Campaign Finance Penalty Provisions

LD 454

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN GAGNON	OTP	

Public Law 2003, chapter 81 specifies that civil penalties for violations of the Maine Clean Election Act apply to violations of rules adopted by the Commission on Governmental Ethics and Election Practices.

PUBLIC 91 An Act to Amend the Liquor Law as it Pertains to Special Taste-testing Festival Licenses

LD 54

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL MAYO	OTP-AM MAJ OTP-AM MIN	H-98

Public Law 2003, chapter 91 amends the law establishing special taste-testing festivals for small breweries and farm wineries to also permit in-state malt liquor manufactures to participate in the taste-testing festival.

PUBLIC 192 An Act To Clarify How Consumers Acquire Information about In-pack Sweepstakes, Contests and Games

LD 381

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOTHAM	OTP-AM	H-227

Public Law 2003, chapter 192 clarifies the requirements for how a consumer acquires information about a sweepstakes, game or contest offered by a certificate of approval holder, wholesale licensee or retail licensee of alcoholic beverages. It states that the information must be provided by a sign at the retail outlet or a notice on the primary or secondary packaging of the brand offering the promotion.

PUBLIC 208 An Act To Allow the Transfer of Spirits within Existing Businesses

LD 450

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN HALL	OTP-AM MAJ ONTP MIN	H-229

Public Law 2003, chapter 208 provides that if a business or corporation licensed to sell spirits for off-premises consumption has multiple licensed locations in the State, the licensee may transfer spirits only between those licensed locations and requires that a licensee notify the Department of Public Safety, Bureau of Liquor Enforcement in advance of the transfer of spirits between one location and another.

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PUBLIC 213 An Act Concerning the Issuance of a Temporary Liquor License

LD 466

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM MAJ	H-268
GAGNON	ONTP MIN	

Public Law 2003, chapter 213 permits the issuance of a temporary on-premises liquor license pending the issuance or denial of an annual license for an establishment that has had a transfer in ownership. Under this law, a temporary license is applied for at the same time an annual license application is submitted. The Department of Public Safety, Bureau of Liquor Enforcement may issue a temporary license for up to 60 days, unless there is objection from the municipal officials or county commissioners. The fee for a temporary license is \$100.

PUBLIC 259 An Act To Regulate the Landlord-tenant Relationship

LD 1381

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING	OTP-AM MAJ	S-122
SIMPSON	ONTP MIN	

Public Law 2003, chapter 259 increases the amount of time that a landlord must give a notice to a tenant of a rent increase from 30 days to 45 days.

PUBLIC 265 An Act To Allow Petitions for Protection of Rental Property and Tenants Based on Actions by Guests or Dangerous Pets

LD 1022

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON	OTP-AM MAJ	S-123
CLARK	ONTP MIN	

Public Law 2003, chapter 265 allows a landlord to file petitions for the protection of rental property or tenants when the landlord, landlord's employee or agent, rental property or tenants have experienced harm or have been threatened with harm by a guest or invitee of a tenant or a dangerous pet on the premises.

PUBLIC 268 An Act to Strengthen the Governmental Ethics Laws

LD 1336

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN	OTP-AM MAJ	H-267
GAGNON	ONTP MIN	

Public Law 2003, chapter 268 prohibits a Legislator or an organization in which a Legislator or Legislator's spouse is associated through ownership or service from contracting with a state governmental agency outside the competitive bidding process. The law requires a Legislator to disclose any bid made by the Legislator or

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associated organization on a contract with a state governmental agency. The law also establishes a civil penalty of \$10 per day for late or incomplete filings required by the Commission on Governmental Ethics and Election Practices.

PUBLIC 270 An Act To Amend the Laws Governing the Qualification of LD 980
Candidates

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS	OTP-AM	S-108

Public Law 2003, chapter 270 specifies that a candidate is not eligible for certification as a Maine Clean Election Act candidate if the candidate has run for the same office as a nonparticipating candidate in a primary election in the same election year.

PUBLIC 296 An Act To Clarify When Notice is Effective to Terminate a Tenancy LD 1008
at Will

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP MAJ	
DAGGETT	ONTP MIN	

Public Law 2003, chapter 296 clarifies that a tenant is entitled to occupancy through the date for which rent has been paid, but a notice to vacate on any day after such a date will still be effective so long as it is given at least 30 days in advance.

PUBLIC 298 An Act To Ensure Segregation of Spoiled, Defective and Void LD 981
Ballots

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON	OTP-AM	S-129
CLARK		

Public Law 2003, chapter 298 requires that spoiled, defective and void ballots be segregated in labeled envelopes and packaged and returned according to the requirements for other ballots and voting materials. Under this law, the Secretary of State shall provide each municipal clerk with either an instructional label for each type of segregated ballot envelope or a specially printed envelope containing the label and instructions.

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**PUBLIC 302 An Act To Standardize Reporting Requirements for State Party
Committees' Expenditures and Contributions**

LD 659

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN GAGNON	OTP-AM	H-301 H-329 MOODY

Public Law 2003, chapter 302 creates a specific schedule for state party committees to file reports of expenditures and contributions. It also specifies the point size, font and type face of the disclaimer "not paid for or authorized by any candidate" where that disclaimer is required under current law.

PUBLIC 303 An Act To Update the Abandoned Property Laws

LD 901

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM	S-117

Public Law 2003, chapter 303 extends application of the statutory process governing the disposal by a landlord of property abandoned by a tenant with a value of less than \$500 to property with a value of less than \$750.

**PUBLIC 342 An Act Regarding the Maine Military Authority and the Sale of the
EMERGENCY Fort Fairfield Armory**

LD 1537

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND CLARK	OTP-AM	S-181

Public Law 2003, chapter 342 specifies that the Maine Military Authority is under the jurisdiction of the Military Bureau within the Department of Defense, Veterans and Emergency Management and clarifies that the Maine Military Authority is a public instrumentality of the Military Bureau's Maine National Guard. The law also authorizes the Adjutant General to sell the Fort Fairfield Armory to the Town of Fort Fairfield for \$1.

Public Law 2003, chapter 342 was enacted as an emergency measure effective May 29, 2003.

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**PUBLIC 349 An Act to Expand Payment Options on Sales of Alcoholic
Beverages by Licensees**

LD 433

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO	OTP-AM	S-188
CLARK		

Public Law 2003, chapter 349 amends the law that requires the sale of liquor between manufacturers, wholesale licensees and retail licensees to be made in cash. This law permits the use of electronic funds transfers to conduct those transactions.

**PUBLIC 353 An Act To Allow a Worker at a Beano Game To Play the Cards of
a Player Who Takes a Restroom Break**

LD 1057

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK	OTP-AM MAJ	H-404
BRYANT	ONTP MIN	

Public Law 2003, chapter 353 allows a person conducting or assisting in the conduct of beano to assist a player by playing that player's cards while the player takes a restroom break.

This law does not apply to the conduct of high-stakes beano.

**PUBLIC 381 An Act To Change the Personnel Employed by the Commission on
Governmental Ethics and Election Practices**

LD 97

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN	OTP-AM MAJ	H-414
GAGNON	ONTP MIN	

Public Law 2003, chapter 381 changes the title of the director of the Commission on Governmental Ethics and Election Practices from administrative director to executive director. This law also removes the requirement that the commission employ a general counsel and replaces it with a requirement that commission hire either a general counsel or computer analyst based on the staffing needs of the director.

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PUBLIC 395 An Act To Preserve the Integrity of the Voting Process

LD 426

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS	OTP-AM MAJ	H-403
CATHCART	ONTP MIN	H-478 MILLS P

Public Law 2003, chapter 395 amends current law regarding individuals wanting to monitor polling places and challenging a person's right to vote. Anyone who wishes to monitor the names and addresses of persons registering at the polling place is required to inform the registrar or clerk of that intent in writing. The law requires a person challenging another person's right to vote to file an affidavit listing the reason for the challenge and the source of the information on which that challenge is based. It also outlines the duties and authority of wardens to regulate the challenge procedure. Under this law, the warden is required to include the signed affidavit of the person challenging a voter in the sealed envelope with the challenge certificate.

PUBLIC 401 An Act Relating to Harness Racing Laws EMERGENCY

LD 704

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUNDEEN	OTP-AM	H-397
BRYANT		H-479 CLARK

Public Law 2003, chapter 401 does the following:

1. It directs the department to work in conjunction with the State Harness Racing Commission in developing State harness racing policy. Current law specifies that the Department of Agriculture, Food and Rural Resources "take the lead" in developing state policy with respect to harness racing;
2. It directs the State Harness Racing Commission to share the duty of reviewing racing-related statutes and rules on an ongoing basis and requires that the appointment of the executive director receive the commissioner's approval;
3. It identifies the executive director's duty to report and recommend changes regarding harness racing as the work of the commission, rather than as the work of the department;
4. It repeals the provision requiring the establishment of trust accounts and instead requires the licensee to pay to an association of horsemen up to 1.5% of all amounts generated for the purpose of supplementing purses;
5. It specifies that if a commercial track ceases operation, a separate racetrack operated by the owner of the now-closed racetrack is considered to be the same racetrack as the track that ceased operation;
6. It authorizes the sale of common pari-mutuel pools for simulcast races;
7. It clarifies the method of determining market area for commercial race tracks and off-track betting facilities; and;

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8. It specifies that the presiding judge and associate judges appointed by the State Harness Racing Commission are deemed to be employees of the State for purposes of the Maine Tort Claims Act. The amendment also specifies that the Harness Racing Promotional Board and its employees are considered a state agency for purposes of the Maine Revised Statutes, Title 5, section 191, which directs the Attorney General's office to appear for state agencies in civil actions and proceedings.

Public Law 2003, chapter 401 was enacted as an emergency measure effective June 3, 2003.

PUBLIC 404	An Act To Update the Department of Defense, Veterans and Emergency Management Laws	LD 1513
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK MAYO	OTP-AM	H-468

Public Law 2003, chapter 404 allows a member of the Maine National Guard on active state service for more than 15 days to elect to be a member of the Maine State Retirement System. The law allows the Adjutant General of the Maine National Guard to receive excess personal property from the United States Department of Defense for use by the Department of Defense, Veterans and Emergency Management. The law clarifies that an application for a stay of court or administrative proceeding by a military member does not constitute an appearance. The law requires that the certificate of release or discharge from active military duty filed with any state, local or county government be held confidential for a period of 75 years. The law specifies that the Governor may agree to hold harmless the Federal Government against claims arising from debris and wreckage removal relating to a major disaster or emergency. The law adds 2 members to the River Flow Advisory Commission. This law authorizes the Adjutant General to sell the armory located in Saco. Finally, the law names the armory located in Caribou the Nelson J. Solman Armory.

PUBLIC 407 EMERGENCY	An Act To Comply with Federal Election Laws Including the Help America Vote Act of 2002	LD 1486
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON	OTP-AM	S-178

Public Law 2003, chapter 407 makes changes necessary to bring the Maine Revised Statutes, Title 21-A into compliance with the requirements of federal election laws, including the Help America Vote Act of 2002, HAVA, and the Uniformed and Overseas Citizens Absentee Voting Act, and specifies that the Secretary of State is responsible for overseeing the State's duties with respect to these Acts. It adds or amends certain definitions relating to members of the uniformed service and overseas voters including a section regarding the use of blank write-in absentee ballots. The law makes changes to the voter registration application to add certain identifying information as required by HAVA. Chapter 407 specifies that in order for 17-year olds to preregister to vote, they must turn 18 years of age prior to the next election. It also clarifies what documentation must be retained in the voter registration file. The law also makes a single, standard requirement for the number of voting booths needed for a general election for all municipalities and requires each voting place to have at least one voting booth that is accessible for persons with physical disabilities. This law replaces the current requirements for instructions for the blank, write-in absentee ballots with authority for the Secretary of State to determine those instructions

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and clarifies usage of the federal write-in absentee ballot. The law also streamlines the process for recording absentee ballots issued by removing a duplicative requirement that the registrar certify the absentee ballot applications. Under this law, municipal clerks are required to file a report with the Secretary of State indicating how many persons were issued and returned absentee ballots for each election and further identify the number of ballots that were issued to uniformed service voters and overseas voters. Chapter 407 makes other changes to the provisions for absentee voting for the uniformed service voters and overseas voters that are consistent with current laws governing all other absentee voters. The law also states that, if the courts have issued an order extending the time to close the polls, any ballots cast during that extended period must be challenged, segregated and counted separately from all other ballots. Finally, this law provides the Secretary of State with the necessary rule-making authority to adopt rules establishing the administrative complaint procedure required under Section 402 of the federal Help America Vote Act of 2002, HAVA. These rules need to be in effect by the September 30, 2003 certification deadline of Maine's initial state plan required under Section 254 of HAVA.

Public Law 2003, chapter 407 was enacted as an emergency measure effective June 3, 2003.

PUBLIC 447 An Act To Amend the Election Laws

LD 1548

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK GAGNON	OTP-AM	H-496

Public Law 2003, chapter 447 adds or amends the definitions for certain voting terms. The law also specifies how ballots must be destroyed after their retention period. This law clarifies the process for adding names of new registrants to the voting list for election day. The law also prohibits the use of obscene language in the name of a new political party or for a nonparty candidate's political designation on petitions or the ballot. Chapter 447 corrects an incorrect reference to the Maine Rules of Civil Procedure, relating to challenges of the Secretary of State's decision regarding candidate petitions. It adds a reason for challenging ballots, which is currently found in another section of law, to the challenge section. This law also removes the penalty for soliciting a vote from a person who is under guardianship because of mental illness. Chapter 447 clarifies the prohibition against the use of devices in the voting place to make audible voice communications that influence voters. This law also specifies that the state-supplied tamper-proof containers and locks must only be used to secure state ballots and election materials and clarifies the requirement that the clerk must provide a secure location for keeping ballots and voting equipment. It also clarifies which candidates can request a recount and increases the deposit amount for recounts requested when the difference between the vote totals is over 6%, 8% and 10% of the total votes cast for the office. This law provides for specific requirements for when a clerk must accept a written absentee ballot application, written request or telephone application and clarifies the circumstances when a voter can be issued a 2nd absentee ballot, as well as directing the election officials as to which of these ballots must be processed and counted on election day. Under this law, the penalty for tampering with an electronic tabulating device or other type of voting device is changed so that it is consistent with the penalty for tampering with a voting machine. Finally, this law clarifies who are designated recount candidates and the procedure to be used in notifying a candidate of the recount.

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PUBLIC 448 An Act To Clarify the Definition of Independent Expenditures Under the Election Laws

LD 1196

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM MAJ	S-205
CLARK	OTP-AM MIN	

Public Law 2003, chapter 448 amends the election laws governing independent expenditures by expanding the scope of reporting for independent expenditures in races involving a Maine Clean Election Act candidate. It states that in races involving a Maine Clean Election Act candidate, an expenditure made that names or depicts a clearly identified candidate made 21 days before a primary or general election is considered an independent expenditure. Under current law, independent expenditures trigger reporting requirements that may result in matching funds being distributed to a Maine Clean Election Act candidate. Reporting requirements for this law would be required after \$100 is spent on such an expenditure. This law provides for a person to rebut that the expenditure made was an independent expenditure by stating that it was not made to influence the nomination, election or defeat of a candidate.

PUBLIC 453 An Act To Improve the Clean Election Option for Gubernatorial Candidates

LD 1310

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUMMINGS	OTP-AM	H-450
DAGGETT		

Public Law 2003, chapter 453 replaces the current funding formula for gubernatorial candidates that run under the Maine Clean Election Act with flat funding. Under this law, gubernatorial candidates receive initial distributions of \$200,000 for primary elections and \$400,000 for general elections.

PUBLIC 470 An Act to Repeal the Presidential Preference Primary Elections Process

LD 100

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODWIN	OTP-AM	H-34
		H-600 CLARK
		S-289 CATHCART

Public Law 2003, chapter 470 repeals the presidential preference primary law, eliminating the system of nominating presidential candidates by preference primary.

Legal and Veterans' Affairs

PUBLIC 488 **An Act To Create the Maine National Guard Education Assistance**
EMERGENCY **Program**

LD 1533

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK	OTP-AM	H-455 S-302 CATHCART

Public Law 2003, chapter 488 establishes the Maine National Guard Education Assistance Program to provide tuition assistance to members of the Maine National Guard for postsecondary education. The law applies retroactively to school terms beginning on or after May 1, 2003.

Public Law 2003, chapter 488 was enacted as an emergency measure effective June 23, 2003.

RESOLVE 7 **Resolve, Authorizing Municipalities To Consolidate Voting Districts**
EMERGENCY **for Special Elections on Bond Issues Held in 2003**

LD 1581

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Resolve 2003, chapter 7 authorizes municipalities to consolidate voting districts for the purpose of holding a special election on bond issues in 2003. This resolve was finally passed as an emergency and took effect on April 30, 2003.

Resolve 2003, chapter 7 was enacted as an emergency measure effective April 30, 2003.

RESOLVE 43 **Resolve, Directing the Bureau of Veterans' Services To Provide**
 Assistance To Obtain Information Regarding Maine Members of
 the United States Armed Forces Presumed Lost or Deceased

LD 1068

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOY	OTP-AM	H-269

Resolve 2003, chapter 43 requires the Department of Defense, Veterans and Emergency Management, Bureau of Veterans' Services to assist individuals in obtaining information regarding Maine members of the United States Armed Forces who are presumed lost or deceased during their active military service.

Legal and Veterans' Affairs

RESOLVE 86 Resolve, Allowing Christy Reposa To Sue the State

LD 730

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOY	OTP-AM MAJ	H-356
	ONTP MIN	H-383 TWOMEY

Resolve 2003, chapter 86 authorizes Christy Reposa, the parent of Logan Marr, to sue the State under the State's wrongful death laws. The law provides that the proceeds of any recovery by Christy Reposa in her suit against the Department of Human Services, not including costs and reasonable attorney's fees as determined by the court, must be deposited with a 3rd-party trustee determined by counsel for Christy Reposa, subject to approval by the court, and disbursed only to pay for postsecondary educational expenses for a sibling of Logan Marr.

**PASSED JOINT STUDY ORDER – Establishing the Committee to Study the
Implementation of the Privatization of the State's Wholesale Liquor
Business**

SP 552

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON	None	S-264

Senate Paper #552 is a Joint Study Order to Study the Implementation of the Privatization of the State's Wholesale Liquor Business. This Joint Order establishes a Legislative Study Committee that is charged with reviewing the bidding process by which the State will lease the wholesale spirits distribution rights to a private distributor and to explore issues associated with the responsibility for enforcement the liquor laws. The committee is authorized to hold 3 meetings and is required to issue a report to the Second Regular Session of the 121st Legislature no later than December 3, 2003.

Marine Resources

PUBLIC 60 EMERGENCY

An Act To Expand the Mission of the Marine Patrol

LD 1388

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON MCNEIL	OTP-AM	S-28

Public Law 2003, chapter 60 authorizes the Department of Marine Resources to provide safety and security services in the coastal waters when conditions warrant, and coordinate these services with local, state and federal agencies. It requires the department to enter into a memorandum of agreement with the United States Coast Guard before providing assistance in enforcing federal safety and security zones and dedicates any federal funds received as reimbursement for providing assistance to the department's watercraft fund.

Public Law 2003, chapter 60 was enacted as an emergency measure effective April 18, 2003.

PUBLIC 63

An Act To Set the Minimum Legal Shell Size for Scallops

LD 81

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HONEY LEMONT	OTP-AM	H-58

Public Law 2003, chapter 63 sets a statewide minimum shell size for scallops of 3-3/4 inches beginning on December 1, 2003, and on December 1, 2004 it increases that minimum shell size to 4 inches. It requires the immediate release of all scallops that do not meet the size requirements and provides for prima facie evidence of the possession of illegal scallops. It also authorizes the Commissioner of the Department of Marine Resources, after December 1, 2004, to increase the shell size minimum.

PUBLIC 90 EMERGENCY

An Act To Establish the Commercial Fishing Safety Council

LD 1440

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM	H-126 TWOMEY S-32

Public Law 2003, chapter 90 establishes the Commercial Fishing Safety Council as an advisory body to the Commissioner of Marine Resources.

Public Law 2003, chapter 90 was enacted as an emergency measure effective April 25, 2003.

Marine Resources

**PUBLIC 104 An Act To Amend Marine Resources Special License Requirements
for Educational Programs LD 1437**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON BULL	OTP	

Public Law 2003, chapter 104 provides that the Commissioner of Marine Resources may issue a special license for research, aquaculture or education to teachers in primary or secondary schools without obtaining the permission of the Advisory Council.

PUBLIC 169 An Act To Create a Marine Harvesting Demonstration License LD 1389

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON BULL	OTP-AM	S-69

Public Law 2003, chapter 169 creates a new license to permit individuals to engage in limited fishing activities in order to demonstrate marine harvesting techniques as part of a commercial operation. It requires that all organisms captured pursuant to this license be released alive into the area from which they were taken. Additionally, it requires that an applicant for the license must pass a written examination or have held a Class I, Class II or Class III lobster and crab fishing license and landed lobster under that license.

**PUBLIC 170 An Act Concerning the Renewal of Commercial Harvester and
Dealer Licenses LD 1387**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON BULL	OTP-AM	S-70

Public Law 2003, chapter 170 provides that if a holder of a license to harvest or sell marine organisms fails to submit required statistics concerning the fisheries, the Commissioner of Marine Resources may refuse to renew the holder's license until the holder complies with the reporting requirement.

Marine Resources

PUBLIC 200 An Act To Manage the Sea Urchin Fishery EMERGENCY

LD 1451

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON BULL	OTP-AM	S-99

Public Law 2003, chapter 200 requires the Commissioner of Marine Resources to suspend, for at least 1 year and up to 3 years, the sea urchin fishing license of any license holder convicted of a 3rd or subsequent offense of possessing sea urchins smaller than the minimum size. It also authorizes the commissioner to adopt rules regarding the culling requirements for sea urchins harvested under a hand-fishing license in Zone 1. Additionally, it allows the commissioner to adopt rules to establish a sea urchin limited entry system to prevent new entries into the fishery when it is necessary to protect the urchin fishery for imminent depletion. Public Law 2003, chapter 200 expands the allowable uses of the Sea Urchin Research Fund to include safety education and training and the implementation of management measures, following consultation by the Commissioner of Marine Resources with the Sea Urchin Zone Council. Finally, it requires the department to report back to the Joint Standing Committee of Marine Resources on the status of the implementation of these new requirements no later than January 1, 2005.

Public Law 2003, chapter 200 was enacted as an emergency measure effective May 16, 2003.

PUBLIC 247 An Act To Make Changes to the Laws Governing Aquaculture Leasing

LD 1417

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL	OTP-AM	H-282

Public Law 2003, chapter 247 makes the following changes to marine resource laws that regulate the leasing and monitoring of public waters for marine aquaculture:

1. It allows qualified professional staff to sign lease documents following the approval of a standard lease by the Commissioner of Marine Resources, and allows the commissioner or deputy commissioner to delegate the approval of limited-purpose leases to qualified professional staff;
2. It repeals a requirement that the applicant for a standard aquaculture lease publish notice of public hearing for the lease in the newspaper;
3. It changes language on the notification of granted leases to remove a requirement of public notice in a local paper and adds a requirement that the Department of Marine Resources notify riparian landowners, intervenors and the municipality that a lease has been granted;
4. It grants the Commissioner of Marine Resources discretion in determining when to initiate revocation proceedings for standard and limited purpose aquaculture leases;
5. It requires applicants when renewing a standard lease to provide earlier notice of intent to renew and adds a requirement that leases not routinely used must be determined to still meet certain statutory criteria;

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6. It clarifies that the existing exclusive jurisdiction of the Commissioner of Marine Resources to regulate aquaculture activities on state submerged lands below the mean low-water mark includes all types of equipment to be located within a limited-purpose aquaculture lease;
7. It requires the Department of Marine Resources to notify riparian landowners when a limited-purpose aquaculture lease application is being reviewed by the department;
8. It changes requires the Department of Marine Resources and not the applicant to publish notice of a public hearing for a limited-purpose aquaculture lease application;
9. It deletes a provision on municipal approval and adds new language concerning municipal participation in the limited-purpose aquaculture lease process;
10. It adds the United States Department of Agriculture to the list of federal agencies permitted to use confidential data submitted by lease holders at the direction of the Commissioner of Marine Resources;
11. It authorizes a dedicated fund to receive fees from both finfish and shellfish growers in order to fund monitoring, research and development of marine aquaculture;
12. It renames the Maine Salmon Aquaculture Advisory Council the Aquaculture Advisory Council and alters its membership to include members from both shellfish and finfish aquaculture; and
13. It adds unreasonable noise and visual impacts to conditions the Commissioner of Marine Resources must consider when granting an aquaculture lease and makes any rules adopted to quantify these impacts major substantive rules.

**PUBLIC 248 An Act To Correct Certain Errors and Inconsistencies in Laws
Relating to Marine Resources**

LD 1471

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL	OTP	H-247 BULL

Public Law 2003, chapter 248 makes changes to the laws relating to marine resources as follows:

1. It corrects a reference to a federal agency;
2. It eliminates a reference to shrimp in the laws relating to emerging fisheries;
3. It clarifies that the violation of a rule adopted by the Commissioner of Marine Resources is a civil violation for which a fine of not less than \$100 may be adjudged;
4. It corrects an inconsistency with regard to the processing of scallops. It clarifies that scallop harvesters may process, possess, ship, transport or sell only shucked scallops. It requires that a person, except a person authorized by either of the scallop harvester licenses who processes, possesses, buys, ships, transports or shucks shellfish or whole scallops, must have a shellfish sanitation certificate to process, sell, ship, transport or shuck shellfish or whole scallops;

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5. It provides that, unless otherwise specified, a violation of the laws relating to sea urchins is a criminal violation;
6. It clarifies that the commercial shrimp license pertains only to the northern shrimp species;
7. It stipulates that it is a violation of law to engage in certain shellfish and whole scallop activities without a shellfish sanitation certificate or a depuration certificate; and
8. It changes all references to regulations to conform to the rule-making process provided in the Maine Revised Statutes, Title 5, chapter 375;

PUBLIC 284 An Act To Decriminalize Unlicensed Shellfish Digging

LD 1415

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL	OTP-AM	H-264

Public Law 2003, chapter 284 changes the penalties for digging shellfish without a municipal shellfish license from a criminal to a civil violation and imposes a fine of not less than \$100 or more than \$500 for each violation. It also clarifies that harvesting shellfish from a closed area is a Class D crime and allows for the maximum fine and period of incarceration possible for harvesting shellfish in closed areas.

PUBLIC 319 An Act To Create the Scallop Advisory Council and the Scallop Research Fund

LD 1416

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL	OTP-AM	H-374

Public Law 2003, chapter 319 creates the Scallop Research Fund, which may be used for research and development of the scallop resource and is funded by a surcharge to the scallop draggers license, the hand fishing scallop license and the scallop diving tender license. The bill creates the Scallop Advisory Council to make recommendations to the Commissioner of Marine Resources on expenditures from the fund and other matters of interest to the scallop fishery.

PUBLIC 466 An Act To Change the Options for a Lobster Management Zone and To Change Entry Criteria for Noncommercial Licensees

LD 703

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HONEY HALL	OTP-AM	H-375

Public Law 2003, chapter 466 requires that the holder of or the applicant for a noncommercial lobster and crab fishing license declare both the lobster management zone in which that person will fish and the vessel that will be

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used to conduct fishing operations. It limits the number of noncommercial traps that can be fished from a vessel to 10, regardless of the number of noncommercial license holders that fish from that vessel. The bill also expands the authority of the Zone E lobster management policy council and repeals that expanded authority on June 1, 2006.

PUBLIC 468	An Act Concerning Age Requirements for Student, Apprentice and Noncommercial Lobster Licenses	LD 1368
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL	OTP-AM MAJ	H-276
DAMON	ONTP MIN	S-299 CATHCART

Public Law 2003, chapter 468 amends the laws concerning age requirements for student, apprentice and noncommercial lobster license holders by setting a minimum age for licensure of 8 years and by establishing an age-based graduated trap limit for student license holders. It exempts those individuals who hold a student or noncommercial lobster and crab fishing license on October 31, 2003 from the age and trap limits. Public Law 2003, chapter 486 prohibits a person who holds a student license and is less than 8 years of age on October 31, 2003 from submerging more than 10 traps at any given time and upon reaching 8 years of age, requires that person to comply with the graduated trap limits established by this chapter.

P & S 29	An Act To Provide Funding for the Downeast Institute for Applied Marine Research and Education	LD 364
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KAELIN	OTP-AM MAJ	H-33
DAMON	ONTP MIN	S-294 CATHCART

Private and Special Law 2003, chapter 29 appropriates \$15,000 to the Maine Aquaculture Innovation Center for operating costs at the Downeast Institute for Applied Marine Research and Education, formerly the Beals Island Regional Shellfish Hatchery, for the 2004-2005 fiscal biennium.

RESOLVE 20 EMERGENCY	Resolve, Regarding Legislative Review of Portions of Chapter 2: Aquaculture Lease Regulations, a Major Substantive Rule of the Department of Marine Resources	LD 1396
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-206

Resolve 2003, chapter 20 provides for legislative review of portions of Chapter 2: Aquaculture Lease Regulations, a major substantive rule of the Department of Marine Resources and amends those rules to remove the requirement that harbormasters provide the Department of Marine Resources with information on ecological significant flora and fauna in areas near proposed aquaculture lease sites.

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Resolve 2003, chapter 20 was passed as an emergency measure effective May 15, 2003.

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RESOLVE 40 **Resolve, To Establish a Task Force on the Planning and**
EMERGENCY **Development of Marine Aquaculture in Maine**

LD 1519

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL	OTP-AM	H-281 H-327 BULL

Resolve 2003, chapter 40 establishes the Task Force on the Planning and Development of Marine Aquaculture in Maine to develop recommendations on how to balance the range of potential uses of state waters and plan for the growth of marine aquaculture while considering all reasonable constraints and opportunities. It also creates the 11-member Stakeholder Advisory Panel charged with reviewing the draft report of the task force on the Planning and Development of Marine Aquaculture in Maine and making recommendations to the task force on that draft report before the task force submits its final report to the Joint Standing Committee on Marine Resources. Additionally, it also requires the task force to periodically consult with the advisory panel regarding the issues identified in this resolve.

Resolve 2003, chapter 40 was passed as an emergency measure effective May 21, 2003.

Natural Resources

PUBLIC 5 An Act to Ensure Full Disclosure of the Source of Water Sold in Containers

LD 21

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP MAJ	
MARTIN	ONTP MIN	

Public Law 2003, chapter 5 requires that the label identifying the source of bottled water spell out the name and geographic location of that source without the use of abbreviations or acronyms.

PUBLIC 6 An Act to Change the Reporting Requirements for the Mercury Switch Removal Program

LD 385

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP	
SAWYER		

Public Law 2003, chapter 6 moves the date by which the Department of Environmental Protection must report on the effectiveness of source separation of mercury-added products from January 1, 2005 to January 1, 2004.

PUBLIC 121 An Act To Manage Water Resources

LD 491

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS	OTP-AM	H-136
MARTIN		

Public Law 2003, chapter 121 adds a 4th standard of review for bulk water transport appeals submitted to the Department of Human Services. These standards are intended to protect public and private uses of Maine's groundwater and surface water resources. The new standard provides that, for a source that is not otherwise permitted by the Department of Environmental Protection, the water withdrawal must not adversely affect existing uses of groundwater or surface water resources. The Commissioner of Human Services is directed to consult with the Department of Environmental Protection in addition to the Public Utilities Commission and the State Geologist regarding an appeal. Rules adopted by the Department of Human Services to implement the subsection are major substantive rules.

Natural Resources

PUBLIC 127 An Act To Clarify the Use of Municipal Rate of Growth Ordinances

LD 531

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SUSLOVIC	OTP-AM MAJ	H-159
BROMLEY	ONTP MIN	

Public Law 2003, chapter 127 adds a provision to current law that clarifies that municipalities may enact ordinances that set different limits on the number of building or development permits that will be allowed in their rural areas and growth areas.

PUBLIC 129 An Act to Provide Additional Financing for Costs Associated with EMERGENCY the Remediation of a Waste Oil Site in Plymouth

LD 645

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARR	OTP-AM	H-166
STANLEY		

Public Law 2003, chapter 129 authorizes the Finance Authority of Maine to provide loans to potentially responsible parties for the cost of implementing institutional controls at the federally designated Superfund site at Hows Corner in Plymouth. It also allows money in the loan fund to be used for attorney's fees incurred for the preparation of restrictive covenants for properties within the institutional control zone in order to implement the institutional controls. Applications for loans must be submitted to the Finance Authority of Maine within 90 days after the effective date of chapter 129. Finally, it deletes the requirement for the Finance Authority of Maine to establish a registry of all persons who are eligible for loans.

Public Law 2003, chapter 129 was enacted as an emergency measure effective May 13, 2003.

PUBLIC 130 An Act Concerning the Adoption of Coastal Sand Dune Rules EMERGENCY

LD 696

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM	H-167
MARTIN		

Public Law 2003, chapter 130 provides that rules adopted by the Board of Environmental Protection regarding development in coastal sand dune systems are major substantive rules.

Public Law 2003, chapter 130 was enacted as an emergency measure effective May 13, 2003.

Natural Resources

**PUBLIC 131 An Act To Clarify the Responsibilities of the Department of
Environmental Protection**

LD 564

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUTTON	OTP-AM	H-144

Public Law 2003, chapter 131 clarifies that, in processing applications for permits for transmission lines and pipelines under the natural resources protection laws, an outstanding river segment will receive the same level of protection regardless of whether the outstanding river segment is located within the organized or unorganized territories.

PUBLIC 134 An Act To Require Public Meetings prior to Dam Removal

LD 709

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON FLETCHER	OTP-AM	S-64

Public Law 2003, chapter 134 requires a person who intends to file an application for a permit to remove an existing dam to attend a preapplication meeting with the Department of Environmental Protection and to hold a public informational meeting prior to filing the application. The meetings must be held in accordance with the department's rules on the processing of applications.

**PUBLIC 136 An Act Regarding the Development and Implementation of an
Eradication Plan for Invasive Aquatic Plants**

LD 707

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS JACOBSEN	OTP-AM	S-75

Public Law 2003, chapter 136 authorizes the Department of Environmental Protection to study and develop a plan that includes the use of water level drawdown for the eradication of invasive aquatic plants. If the department determines that the plan is feasible, the department may implement the plan. Chapter 136 also authorizes the department to seek funding from private sources to support the development and implementation of the plan.

Natural Resources

PUBLIC 137 An Act To Improve the Effectiveness of the Maine Coastal and Inland Surface Oil Clean-up Fund

LD 596

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY RICHARDSON J	OTP-AM	S-72

Public Law 2003, chapter 137 increases from \$100,000 to \$250,000 the limit within the Maine Coastal and Inland Surface Oil Clean-up Fund available for research and development. It also requires researchers who receive funds for research and development to use vessels based in the State as platforms when practicable.

PUBLIC 150 An Act To Develop a Plan for Cathode Ray Tube Disposal

LD 743

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON MARTIN	OTP-AM	H-185

Public Law 2003, chapter 150 bans the disposal of cathode ray tubes, that are not already prohibited from disposal under the hazardous waste rules, in solid waste disposal facilities, beginning January 1, 2006. It also requires the Department of Environmental Protection to convene a stakeholder group and to develop a recommended plan, utilizing the concept of shared responsibility among manufacturers, distributors, retailers, consumers and other parties, for the collection and recycling of cathode ray tubes. The department must submit the recommended plan to the Joint Standing Committee on Natural Resources by January 30, 2004. The Joint Standing Committee on Natural Resources may report out legislation during the Second Regular Session of the 121st Legislature.

PUBLIC 165 An Act To Amend a Requirement Concerning Dioxin

LD 1403

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAIGLE	OTP-AM	H-169

Public Law 2003, chapter 165 changes the date, from December 31, 2003 to December 31, 2004, by which a bleach kraft pulp mill that fails to meet fish-tissue sampling-result requirements for dioxin must demonstrate that its waste discharge is not the source of elevated dioxin in fish or be subject to potential enforcement action by the Department of Environmental Protection and requires that the demonstration be made annually thereafter. It also changes the date, from May 1, 2003 to February 16, 2004, by which the Commissioner of Environmental Protection and the Commissioner of Human Services must submit a comprehensive assessment on the progress in eliminating the discharge of dioxin from bleach kraft pulp mills in the State. It also deletes the requirement for the commissioners to submit annual progress reports.

Natural Resources

PUBLIC 221 An Act To Reduce Mercury Use in Measuring Devices and Switches

LD 1159

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-250

Public Law 2003, chapter 221 bans the sale of mercury switches, mercury relays and certain mercury-added measuring devices and instruments effective July 1, 2006. The ban does not apply to the sale of mercury switches or mercury relays used as replacement parts in existing manufacturing equipment, in other equipment or machinery in which the switch or relay is integrated with other components or if the use of the product is a federal requirement. Manufacturers and users of the targeted mercury-added products may apply to the Commissioner of Environmental Protection for an exemption from the sales prohibition. Chapter 221 authorizes the Commissioner of Environmental Protection to require individuals who receive an exemption to maintain records and submit reports. It also requires the Department of Environmental Protection to submit to the Joint Standing Committee on Natural Resources a plan to improve the collection of mercury-added thermostats. The Joint Standing Committee on Natural Resources is authorized to report out legislation relating to the collection of mercury-added thermostats during the Second Regular Session of the 121st Legislature. Chapter 221 also clarifies the scope of the prohibition on the sale of mercury-added thermostats enacted by Public Law 2001, chapter 620, section 1.

PUBLIC 226 An Act To Amend the Subdivision Laws

LD 1297

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM	H-330

Public Law 2003, chapter 226 creates an exclusion from the requirement to obtain a permit for a subdivision under the Department of Environmental Protection's laws regarding site location of development: a lot is excluded whose sale or lease created a subdivision that required a permit if the permit was not obtained and the subdivision has been in existence for at least 20 years. However, a lot is not exempt if the department denied approval of the subdivision or issued a notice of violation or if the lot has been the subject of an enforcement action.

PUBLIC 227 An Act To List Agriculture as a Designated Use in Water Quality Standards

LD 443

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND WOTTON	OTP-AM	S-106

Public Law 2003, chapter 227 adds agriculture as a designated use in Maine's water quality standards. This designation takes effect when the water use standards for maintaining in-stream flows are finally adopted.

Natural Resources

**PUBLIC 231 An Act To Amend the Waste Management Laws Regarding the
Spreading of Sludge on Land**

LD 188

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RINES HALL	OTP-AM	H-259

Public Law 2003, chapter 231 provides that the utilization and distribution of residuals that contain human pathogens, such as municipal treatment plant sludge, may not be licensed by permit by rule. It also directs the Department of Environmental Protection to establish a list of interested parties to whom notice of applications for the distribution of composted sludge must be provided. The notice must also be distributed via electronic mail to all municipalities that are equipped to receive electronic mail. It also provides that any amendment of Board of Environmental Protection rules to make the rules consistent with this bill is a routine technical rule.

**PUBLIC 237 An Act To Provide Leadership in Addressing the Threat of Climate
Change**

LD 845

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN TREAT	OTP-AM MAJ ONTP MIN	H-262

Public Law 2003, chapter 237 directs the Department of Environmental Protection to create a greenhouse gas emissions inventory for state-owned facilities and state-funded programs; to seek to establish carbon emission reduction agreements with businesses and nonprofit organizations; to participate in a regional greenhouse gas registry; and to create an annual statewide greenhouse gas emissions inventory. It also sets state short-term, medium-term and long-term goals for the reduction of greenhouse gas emissions within the State. It directs the Department of Environmental Protection to adopt a state climate action plan by July 1, 2004 and directs the Department of Environmental Protection to evaluate, every 2 years, the State's progress toward meeting the reduction goals and to amend the action plan as necessary to ensure that the State can meet the reduction goals. Beginning no earlier than 2008, the Department of Environmental Protection may recommend to the joint standing committee of the Legislature having jurisdiction over natural resources matters that the reduction goals be increased or decreased.

**PUBLIC 245 An Act To Amend Certain Laws Administered by the Department
of Environmental Protection**

LD 1547

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN MARTIN	OTP-AM	H-298

Public Law 2003, chapter 245 does the following:

Natural Resources

1. It corrects an inadvertent error and inconsistency created last session when the open burning statute was amended.
2. It increases the cap on allocations for the Board of Environmental Protection Fund within the Department of Environmental Protection from \$250,000 annually to \$325,000 annually to meet rising personnel salary and benefit costs for the next several years, including the filling of the Executive Analyst position in the past biennium, and a rise in operating costs, due to a modest increase in general workload from broader public involvement in the licensing and appeal processes, which has resulted in more frequent meetings of the board. The last increase in the allocation cap was in 1997.
3. It clarifies the statute governing the Department of Environmental Protection's enforcement authority. The Maine Rules of Civil Procedure, Rule 80K allows the department and municipalities to prosecute environmental violations in District Court. Municipalities consistently have 80K actions commenced by both certified nonlawyer code enforcement officers and town attorneys. The department has historically not had employees who are also licensed active members of the bar file cases on the department's behalf since the rule is ambiguous as to whether such a practice is appropriate. This change in the law makes clear that a department practice consistent with current municipal practices is appropriate.
4. It repeals the enabling language for the requirement of priority studies because the tasks described in the statute have been completed and the project is no longer active.
5. It clarifies that an action in court can not be determined to start at any point prior to compliance with court rules. The Maine Rules of Civil Procedure, Rule 80K allows the department and municipalities to prosecute environmental violations in District Court. There is ambiguity between the Maine Revised Statutes, Title 38, section 347-A and the Maine Rules of Civil Procedure, Rule 3 as to the point in time when an action in District Court should be considered to have been initiated.
6. It repeals the requirement of annual reporting to the Legislature by the Commissioner of Environmental Protection on unavoidable malfunctions.
7. It amends the statutes to change a hearing and reporting requirement concerning classification standards from once every 3 years to once every 4 years.
8. It amends the statutes to make the creation of a wetland compensation fee program optional rather than mandatory, specifically adds municipalities to the types of organizations that may create a wetland compensation fee program, deletes the mandatory annual reporting requirement for any such program and deletes the requirement that funds from such a program are turned over to the department if the department's authorization of that program is revoked.
9. It repeals the requirement of annual reporting to the Legislature on the wetlands compensation fee program.
10. It repeals the provision that repeals the wetland compensation fee program effective October 15, 2003.
11. It makes the changes necessary to extend the sunset date for coverage of oil spill cleanup costs by the Ground Water Oil Clean-up Fund. The fund covers cleanup costs for spills from aboveground or underground oil tanks. It extends the fund insurance program by 5 years to December 31, 2010.
12. It incorporates by reference the latest version of the federal regulations governing spill prevention and control at aboveground oil storage facilities. The purpose of this change is to ensure state and federal requirements are consistent with each other.

Natural Resources

Natural Resources

PUBLIC 246 An Act To Expedite the Removal of Overboard Discharge

LD 1493

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAIGLE	OTP-AM	H-260

Public Law 2003, chapter 246 does the following:

1. It increases the base fee for certain discharges.
2. It consolidates the annual license and inspection fees into one fee.
3. It consolidates several fee reductions based on income into one fee reduction based on income.
4. It adds a definition of "overboard discharge," referencing the existing definition, to the laws governing water protection.
5. It changes the existing grant program from one that determines the amount of grant based on facility use to one that determines the grant based on the applicant's annual income.
6. It provides grant funds, based on the ability to pay, to anyone removing that person's overboard discharge system, not just to a person whose overboard discharge system is targeted for removal by the grant program.
7. It requires that, prior to transfer of any property with an overboard discharge, the property must be evaluated as to whether an alternative system can be installed and requires the installation of that system if possible. Except that, if it has been demonstrated within the past 5 years that there is no alternative to an overboard discharge, the parties to a transfer of the property do not need to determine whether there are any technologically proven alternatives.
8. It clarifies the requirement for maintenance contracts for certain types of overboard discharges previously stipulated in the Maine Revised Statutes, Title 38, section 414, subsection 3-B and it eliminates language prescribing the number of inspections to be conducted by the department.
9. It eliminates the waiver of department inspection and additional requirements and penalties for homeowners that choose to hire a private service contractor to maintain their overboard discharge. The bill also eliminates the fee reduction for owners who hire a service contractor.
10. It requires that, at the time of relicensing, all overboard discharge owners evaluate whether they have an alternative to the overboard discharge and install the alternative when possible.
11. It provides that grant money to all owners required to remove overboard discharge must be based on their ability to pay and that, if no grant money is available, the installation may be postponed until grant money is available.
12. It eliminates the conditional permit provision in current law.
13. It clarifies the determination of flow volume and seasonal use and provides greater flexibility for the homeowner to prove year-round use.

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14. It eliminates obsolete statutory language.
15. It restricts the Department of Environmental Protection's authority to require the installation of holding tanks on seasonal overboard discharges.
16. It deletes a section of law that provided for license terms prior to the State being delegated authority to issue permits under the Federal Water Pollution Control Act.

PUBLIC 257 An Act Regarding Riverine Impoundments

LD 1137

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINEAU WOODCOCK	OTP-AM	H-350

Public Law 2003, chapter 257 establishes requirements related to measurement of dissolved oxygen within riverine impoundments. It provides that compliance with dissolved oxygen criteria in riverine impoundments may not be measured within .5 meters of the bottom of the riverine impoundment. Where mixing is inhibited due to thermal stratification, compliance with numeric dissolved oxygen criteria may not be measured below the higher of the point of thermal stratification or the point proposed by the Department of Environmental Protection as an alternative depth based on all factors that would be included in a use attainability analysis and for which a use attainability analysis is conducted if required by the United States Environmental Protection Agency. Where mixing is inhibited due to natural topographical features in a riverine impoundment, compliance with numeric dissolved oxygen criteria may not be measured within the portion that is isolated.

PUBLIC 301 An Act To Require the Installation of Dental Amalgam Separator Systems in Dental Offices

LD 697

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER MARTIN	OTP-AM	H-274

Public Law 2003, chapter 301 requires the installation of amalgam separator systems in dental offices that add, remove or modify dental amalgam. Dental amalgam separators must meet a minimum removal efficiency of 95% if installed prior to March 20, 2003 or 98% if installed on or after March 20, 2003 as determined through testing in accordance with standards of the International Organization for Standardization in effect on the date the system is installed. Dentists must notify the Department of Environmental Protection of their installations and must also notify the director or chief engineer of a publicly owned treatment works if their wastewater is discharged into a publicly owned treatment works. Dentists must maintain, for a period of 3 years, all shipping records for replacement filters and written documentation to demonstrate that the amalgam separator system has been properly inspected and maintained. Dentists need not comply with these requirements until December 31, 2004.

Natural Resources

PUBLIC 308 An Act To Amend the Laws Governing Minimum Lot Size

LD 695

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCNEIL SAVAGE	OTP-AM	H-349

Public Law 2003, chapter 308 authorizes local plumbing inspectors in municipalities and unorganized territories to approve the installation of subsurface waste disposal systems on lots that are less than 20,000 square feet if certain criteria are met. If the criteria are not met, the Department of Human Services is the reviewing authority. Chapter 308 also authorizes the Department of Human Services or the municipality or unorganized territory to charge a review fee not to exceed \$50 per review.

PUBLIC 312 An Act To Amend the Laws Regarding Junkyards, Automobile Graveyards and Automobile Recycling Businesses

LD 1367

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUTTON TURNER	OTP-AM	H-381

Public Law 2003, chapter 312 amends the State's junkyard statutes in several ways for the purpose of improving the ability of municipalities to appropriately license junkyards, automobile recycling businesses and automobile graveyards.

It changes the standard that defines an automobile graveyard from 3 or more "unserviceable" motor vehicles to 3 or more uninspected or unregistered motor vehicles and provides exemptions from regulation for automobile hobbyists, and certain other areas used for storage.

It also establishes basic operational standards for all junkyards, automobile graveyards and automobile recycling businesses to provide minimal environmental protection. It creates a 100-foot setback from bodies of water for the placement of junked automobiles that contain fluids and increases from 100 feet to 300 feet the setback of newly licensed facilities from public or private drinking water supplies.

It also establishes a process to notify abutters of the public hearing held prior to the issuance of any new junkyard's, automobile graveyard's or automobile recycling business's first license and incorporates into statute fencing and screening standards previously located in the Department of Transportation regulations.

It also clarifies the ability of municipalities to enforce the provisions of the State's junkyard law and effect the abatement of junkyard nuisances. It specifies that a municipality has 3 available methods to recover the costs of prosecuting a junkyard violation: a civil action, a lien on the real estate or a special tax assessment as municipalities are currently authorized to recover the costs of abating a failed septic system.

It also specifies that, beginning in 2004, permits issued to automobile graveyards or junkyards are valid until October of the following year.

It also limits the ban on new permits for automobile graveyards or junkyards to areas that are located within 300 feet of a public building, public park, public playground, public bathing beach, school, church or cemetery.

Natural Resources

PUBLIC 317 An Act To Reclassify Certain Waters of the State

LD 1529

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL MARTIN	OTP-AM	H-373

Public Law 2003, chapter 317 makes changes in the classification of waters of the state. It also authorizes the Joint Standing Committee on Natural Resources to report out legislation to the Second Regular Session of the 121st Legislature on reclassifications that were proposed in LD 1529 but not included in chapter 317 and on defining and identifying subsistence fishing as a designated use for certain waters. It also provides for license limits for total residual chlorine and bacteria for existing discharges of wastewater on a segment of the Kennebec River in Augusta, retroactively to January 1, 2003.

PUBLIC 318 An Act Concerning Storm Water Management EMERGENCY

LD 1570

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-151

Public Law 2003, chapter 318 amends Maine's storm water management law to extend the review period for applicants proposing to meet the standards by using structural means from 60 to 90 days. It allows the discharge of storm water to waters having a drainage area of less than 10 square miles if the discharge is in conformance with state and local requirements. It provides that certain discharge limitations do not apply to the discharge of storm water. It provides that storm water discharges to Class A waters must be in compliance with state and local requirements. It clarifies that material may not be deposited on the banks of Class A waters in any manner that makes transfer of pollutants into the waters likely.

Chapter 318 requires the Department of Environmental Protection to report to the Joint Standing Committee on Natural Resources by February 1, 2004. The report must include recommendations for improving the effectiveness of storm water management in this State and may include draft rules that regulate storm water discharges to impaired waters from existing development where necessary to allow restoration of water quality and from new development both during and after construction. The department shall consult with state and federal agencies and environmental and business interest groups when considering recommendations. The Joint Standing Committee on Natural Resources may report out legislation related to storm water management to the Second Regular Session of the 121st Legislature.

Public Law 2003, chapter 318 was enacted as an emergency measure effective May 27, 2003.

Natural Resources

PUBLIC 338 An Act To Promote and Monitor Competition in the Solid Waste Industry

LD 1515

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN KOFFMAN	OTP-AM	S-163

Public Law 2003, chapter 338 requires contractors in the small container commercial trash hauling business to notify a customer with a contract containing an automatic renewal provision between 60 and 90 days prior to the contract termination date that if the customer does not, within 60 days, notify the contractor of the customer's intention to terminate the contract, the contract will be automatically renewed. It also limits the charge for early termination of a small container commercial trash hauling contract to a maximum of 3 times the current monthly charge. It also prohibits these contracts from requiring the customer to inform the contractor of the prices or terms offered by competitors. It also provides that these contract restrictions do not apply to current contracts. It also requires the Executive Department, State Planning Office to report on how changes in available disposal capacity have affected or are likely to affect disposal prices.

PUBLIC 373 An Act To Expedite the Drilling of Private Drinking Water Wells

LD 1604

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN LUNDEEN	OTP-AM	S-224

Public Law 2003, chapter 373 allows all excavators to begin excavation immediately in locations in which all facility owners have indicated to the excavator or to the system that no underground facilities exist. It also directs the Public Utilities Commission to establish by rule notice requirements for excavation associated with drinking water well construction. The rules are major substantive rules and must be submitted to the Joint Standing Committee on Utilities and Energy by February 1, 2004.

PUBLIC 441 An Act To Ensure the Safety of Children Touring Incinerator Facilities

LD 693

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TWOMEY MARTIN	OTP-AM A ONTP B RE-REF C	H-492

Public Law 2003, chapter 441 requires resource recovery facilities that burn municipal solid waste to send a list of Occupational Safety and Health Administration air quality violations to a school prior to allowing students to enter the facility for the purpose of touring the facility; the list must be forwarded to the parent of any student touring the facility. It also prohibits resource recovery facilities that burn municipal solid waste from permitting students who have not yet entered 7th grade to enter the facility for the purpose of touring the facility.

Natural Resources

PUBLIC 457 An Act To Protect Public Health by Reducing Human Exposure to Arsenic

LD 1309

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM MAJ	H-490
BRENNAN	OTP-AM MIN	

Public Law 2003, chapter 457 requires the seller of residential real property to provide to the purchaser information developed by the Department of Human Services on arsenic in private water supplies and treated wood. It prohibits, as of September 13, 2003, retail businesses from purchasing arsenic-treated wood or wood products for residential uses that are not included as permitted uses in a notice of cancellation order issued by the United States Environmental Protection Agency. It prohibits, as of April 1, 2004, the sale of arsenic-treated wood or wood products for residential uses that are not included as permitted uses in a notice of cancellation order issued by the United States Environmental Protection Agency. It prohibits the admission of the statute pertaining to arsenic-treated wood into evidence in any private-party civil proceeding against any wholesaler, retailer or installer of arsenic-treated wood. It requires the Department of Environmental Protection to develop a disposal plan for the safe management of arsenic-treated wood waste. It requires the Department of Human Services to submit a report on the need for a comprehensive safe drinking water program for private wells to address arsenic. It requires the Real Estate Commission to submit a report on the efforts within the real estate industry to increase awareness among real estate licensees and buyers and sellers of residential real estate of the hazards of arsenic in water supplies and treated wood, the need to test for arsenic in private water supplies and the need to identify and regularly coat with a sealant arsenic-treated wood structures. Finally, it also directs the Department of Environmental Protection to submit a report that contains a market evaluation of the sale and uses of arsenic-treated wood that are not prohibited under this legislation.

P & S 30 An Act To Fund Municipal Collection of Household Hazardous Waste

LD 1549

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM A	H-494
	OTP-AM B	S-303 CATHCART
	ONTP C	

Private and Special Law 2003, chapter 30 requires the Finance Authority of Maine to transfer \$438,820 from the Waste Reduction and Recycling Loan Fund to the Maine Solid Waste Management Fund administered by the Executive Department, State Planning Office and the Department of Environmental Protection by June 30, 2004. It also requires the Finance Authority of Maine to transfer principal and interest repayments received in the Waste Reduction and Recycling Loan Fund to the Maine Solid Waste Management Fund within 60 days of receipt. The Finance Authority of Maine estimates the average annual principal and interest repayments to be approximately \$46,478 per year with the last payment date of the current loans outstanding being November 2017.

The additional revenue is intended to provide state cost share support for the operational costs incurred by municipalities in the management of household hazardous waste. At least 90% of these funds must be allocated to the State Planning Office, 5% may be transferred to the Department of Environmental Protection and 5% may be transferred to the Department of Agriculture, Food and Rural Resources to carry out the purposes of this chapter.

Natural Resources

The additional costs associated with administering this state cost share program to municipalities can be absorbed by the State Planning Office utilizing existing budgeted resources.

Chapter 30 also requires the Department of Environmental Protection to conduct a study regarding ongoing sources of funding for municipal collection of hazardous waste. It also authorizes the Joint Standing Committee on Natural Resources to report out legislation during the Second Regular Session of the 121st Legislature concerning ongoing sources of funding.

RESOLVE 14	Resolve, Relating to the Consideration of the Cumulative Effect on Protected Natural Resources	LD 242
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAIRCLOTH MARTIN	OTP-AM	H-134

Resolve 2003, chapter 14 directs the Department of Environmental Protection to convene a working group of interested parties to design a method for the consideration of cumulative effects on protected natural resources. It also directs the department to submit a proposal to the Joint Standing Committee on Natural Resources by January 5, 2004. It also authorizes the Joint Standing Committee on Natural Resources to report out legislation relating to the department's proposal during the Second Regular Session of the 121st Legislature.

RESOLVE 34	Resolve, Directing the Community Preservation Advisory Committee To Study the State Planning Office's Review of Municipal Comprehensive Plans and Growth Management Programs	LD 1045
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS GILMAN	OTP-AM	H-284

Resolve 2003, chapter 34 directs the Community Preservation Advisory Committee to study the Executive Department, State Planning Office's review of municipal comprehensive plans, growth management programs and local ordinances for consistency with state goals. The Community Preservation Advisory Committee shall submit a report to the Joint Standing Committee on Natural Resources by December 1, 2003. The Joint Standing Committee on Natural Resources may report out legislation relating to the study during the Second Regular Session of the 121st Legislature.

Natural Resources

RESOLVE 37 **Resolve, Directing the Department of Environmental Protection To Recognize the Distinction between Water Storage Reservoirs and Natural Lakes**

LD 1059

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK STANLEY	OTP-AM	H-283

Resolve 2003, chapter 37 requires the Board of Environmental Protection, when adopting rules relating to protocols and procedures for evaluation of the resident biological community in water storage reservoirs, to recognize that water storage reservoirs are artificial and are not natural water bodies and to recognize and protect existing uses. It also requires the Department of Environmental Protection, when issuing licenses, permits and certifications prior to final adoption of the rules, to recognize that water storage reservoirs are artificial and are not natural water bodies and to ensure that the existing uses of water storage reservoirs are maintained and protected. It also provides that the goal of the rules or any license, permit or certification must be that the structure and function of the resident biological community that must be maintained in a water storage reservoir is the structure and function that would be expected to exist in a water storage reservoir with a drawdown of similar magnitude. It also defines "water storage reservoir."

RESOLVE 39 **Resolve, To Update Water Quality Criteria**

LD 1485

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN KOFFMAN	OTP-AM	S-107

Resolve 2003, chapter 39 directs the Department of Environmental Protection to review and to recommend any needed changes to the bacteria criteria for Class B waters, the bacteria criteria and dissolved oxygen standard for Class C waters and the dissolved oxygen standard for estuarine and marine waters. It also authorizes the Joint Standing Committee on Natural Resources to report out legislation on these issues to the Second Regular Session of the 121st Legislature.

RESOLVE 79 **Resolve, To Study the Implementation of a Plan To Prohibit the**
EMERGENCY **Discharge of Certain Wastewater into Coastal Waters**

LD 1271

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ADAMS MARTIN	OTP-AM	H-207

Resolve 2003, chapter 79 requires the Department of Environmental Protection to convene a stakeholder group and to develop a recommended plan for prohibiting or regulating the discharge of sewage and gray water from vessels into the coastal waters of the State. The department must submit the recommended plan to the Joint Standing Committee on Natural Resources by November 1, 2003.

Natural Resources

Resolve 2003, chapter 79 was passed as an emergency measure effective June 18, 2003.

Natural Resources

**RESOLVE 82 Resolve, To Protect High and Moderate Value Waterfowl and
Wading Bird Habitats**

LD 1234

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAIRCLOTH MARTIN	OTP-AM	H-372 H-506 DUNLAP H-539 KOFFMAN

Resolve 2003, chapter 82 directs the Department of Inland Fisheries and Wildlife, through routine technical rulemaking, to define, identify and map all high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas, subject to a General Fund appropriation. It also directs the Commissioner of Inland Fisheries and Wildlife to submit a report to the Joint Standing Committee on Natural Resources and the Joint Standing Committee on Inland Fisheries and Wildlife that contains a schedule for the mapping and a projected cost to map all high and moderate value waterfowl and wading bird habitats.

**RESOLVE 93 Resolve, To Authorize the State To Purchase a Landfill in the City
of Old Town**

LD 1626

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP CATHCART	OTP-AM MAJ ONTP MIN	H-563 S-312 MARTIN

Resolve 2003, chapter 93 authorizes the Executive Department, State Planning Office to acquire, subject to a possibility of reverter to the seller, own and cause to be operated an existing, Department of Environmental Protection-licensed and generator-owned solid waste disposal facility located in Old Town under terms and conditions that are revenue-neutral to the State. It authorizes the State Planning Office to enter into such contracts as the office determines are necessary or appropriate. It requires that the acquisition agreement provide that the current owner is responsible for environmental liability associated with the operation of the disposal facility prior to acquisition by the office. It requires that the agreement for the operation of the disposal facility be established through competitive bidding and that the operator must indemnify the office for liabilities and costs of the office resulting from the acquisition, development and operation of the disposal facility. It requires the State Planning Office to require persons submitting proposals to submit a nonrefundable deposit to offset the office's costs associated with the transactions and the cost to the City of Old Town and the Town of Alton to establish a joint citizen advisory committee. It provides that the resolve does not abrogate the sovereign immunity of the State with respect to the acquisition. It provides that the City of Old Town may not regulate the disposal facility, except that the City may enact an ordinance that regulates the expansion of the disposal facility as long as the ordinance does not contain stricter standards than certain standards contained in the Maine Revised Statutes, Title 38, chapters 3 and 13. It requires the City of Old Town and the Town of Alton to establish a joint citizen advisory committee with the same host community responsibilities as currently provided in state law. It also requires the State Planning Office to submit a report to the Joint Standing Committee on Natural Resources on the process of acquiring the disposal facility and reviewing the facility's operation.

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PUBLIC 7 **An Act to Repeal the Mandate to Perambulate the Municipal
Boundary Lines when there is No Boundary Dispute** **LD 66**

<u>Sponsor(s)</u> HEIDRICH BENNETT R	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 2003, chapter 7 repeals the requirement that boundary lines between municipalities be perambulated once every 5 years. It requires a municipality to perambulate the municipal boundaries only if there is a dispute concerning the municipal boundary line. Perambulation is not necessary to resolve the dispute if the boundary lines are well marked and a survey of the boundaries is recorded in the registry of deeds.

PUBLIC 8 **An Act To Eliminate the Restriction on Municipal Investment of
Trust Funds** **LD 278**

<u>Sponsor(s)</u> MCLAUGHLIN STANLEY	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 2003, chapter 8 allows a municipality that holds funds of a nonprofit trust to invest more than 5% of the assets of that trust in a single mutual fund.

PUBLIC 37 **An Act To Make Transportation More Affordable for Low-income
Families** **LD 465**

<u>Sponsor(s)</u> MCGLOCKLIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-22
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Public Law 2003, chapter 37 allows nonprofit organizations that contract with the Department of Human Services to help make transportation available to low-income families who need transportation for work, education or training to participate in the private purchase of state surplus passenger vehicles or light trucks. The purpose of this law is to help participating nonprofits make vehicles more affordable for families.

State and Local Government

PUBLIC 43 An Act To Reapportion the County Commissioner Districts

LD 1557

<u>Sponsor(s)</u> DUNLAP		<u>Committee Report</u>		<u>Amendments Adopted</u>
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Public Law 2003, chapter 43 repeals the current statutory county commissioner districts and enacts the districts for the county commissioners as described in the unanimous report submitted by the apportionment commission to the Clerk of the House.

PUBLIC 44 An Act To Reapportion the House Legislative Districts

LD 1555

<u>Sponsor(s)</u> DUNLAP		<u>Committee Report</u>		<u>Amendments Adopted</u>
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Public Law 2003, chapter 44 repeals the current statutory Maine House of Representatives districts and enacts the districts for the Maine House of Representatives as described in the unanimous report submitted by the apportionment commission to the Clerk of the House.

PUBLIC 55 An Act To Amend the Laws Governing Registers of Deeds

LD 984

<u>Sponsor(s)</u> YOUNGBLOOD		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Public Law 2003, chapter 55 sets uniform standards for registers of deeds with regard to the documents submitted to registries for recording. Specifically, it:

1. Changes the requirement that public records can only be kept on paper;
2. Allows registries to make computer notes to the index when necessary;
3. Ensures that computer image copies have the same legal effect as paper copies;
4. Allows registries to charge \$2.00 to create an additional page to provide room for including recording information;
5. Expands language that requires recording only on linen cloth to include digital imaging;
6. Increases the fee for each name indexed after the fourth from 25 cents to \$1, which is more in-line with the costs of indexing; and
7. Allows registers to charge an \$8 fee to compensate them for the time required when marginal notations are required in multiple records.

State and Local Government

PUBLIC 62 **An Act to Rename the Town of Westport**
EMERGENCY

LD 37

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL GROSE	OTP-AM	S-18

Public Law 2003, chapter 62 authorizes the Town of Westport to change its name to "Town of Westport Island." A referendum to change the name was scheduled to be held on March 29, 2003 for approval by the residents of Westport.

Public Law 2003, chapter 62 was enacted as an emergency measure effective March 24, 2003.

PUBLIC 75 **An Act Concerning the Status of the Maine County Commissioners' Association and the Maine Sheriffs' Association as County Advisory Organizations**

LD 631

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN PENDLETON	OTP-AM	H-95

Public Law 2003, chapter 75 allows counties to expend funds in order to obtain the services of the Maine County Commissioners' Association and the Maine Sheriffs' Association as nonprofit advisory organizations and designates these associations as instrumentalities of their member counties. Upon dissolution, the assets of these organizations, as well as the Maine Municipal Association and the Maine School Management Association, would be delivered to the Treasurer of State to be held in custody for the counties of the State. This is the same recognition that Maine law gives the Maine Municipal Association and the Maine School Management Association in the Maine Revised Statutes, Title 30-A, sections 5722 and 5724.

PUBLIC 79 **An Act To Allow Free Clinics To Purchase Medications and Supplies through State Contracts**

LD 46

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERRIERE-BOUCHER BRYANT	OTP-AM	H-73

Public Law 2003, chapter 79 expands the state's cooperative purchasing program to include nonprofit free health clinics that provide free primary or preventative services for the purpose of allowing these clinics to purchase medications and supplies through the Bureau of General Services.

State and Local Government

PUBLIC 82 An Act To Clarify the Laws Regarding Reports to the State Auditor

LD 333

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS FINCH	OTP-AM	S-26

Public Law 2003, chapter 82 requires any bureau or division head of a public entity to report improper or illegal transactions to the state auditor. This reporting requirement already exists for department and agency heads.

PUBLIC 83 An Act To Improve State Accounting Procedures EMERGENCY

LD 606

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS FISCHER	OTP-AM MAJ ONTP MIN	S-27

Public Law 2003, chapter 83 requires the Commissioner of Department of Administrative and Financial Services and the State Controller to develop a financial management and accounting practices manual for state agencies, develop and implement a training program for state agencies on uniform financial management and accounting practices and report to the state and local government committee by January 1, 2004 on the progress of these initiatives.

Public Law 2003, chapter 83 was enacted as an emergency measure effective April 25, 2003.

PUBLIC 86 An Act To Increase Civil Process Fees

LD 399

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE	OTP-AM	S-17

Public Law 2003, chapter 86 authorizes the county commissioners of each county to increase the fee collected for service of civil processes, disclosure subpoenas, complaints for divorce, attachments of personal property, writs of replevin, tax summonses and warrants, sales or use tax warrants, income tax warrants and search for persons to serve from \$1 to \$5, except that the fee paid by any state agency or department may only be increased by \$1.

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PUBLIC 105 An Act To Clarify the Duties Relating to County Taxes and Remove LD 1443
Obsolete References to the Secretary of State

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN	OTP	

Public Law 2003, chapter 105 removes obsolete references to filing county budget estimates with the Secretary of State on forms provided by the Secretary of State. County budget estimates, which fall within the scope of the State Auditor's responsibilities, must be sent to the State Auditor.

PUBLIC 174 An Act To Clarify the Administration of State-municipal Revenue LD 1448
Sharing

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINEAU	OTP-AM	H-205

Public Law 2003, chapter 174 clarifies that the postage, state cost allocation program and programming costs of state-municipal revenue sharing may be paid by the Local Government Fund.

PUBLIC 176 An Act To Relocate the Prohibition of Use of State Government LD 1466
Computer Systems for Political Purposes to the Election Laws

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN	OTP	

Public Law 2003, chapter 176 changes the statutory location of the prohibition on use of state government computer systems for political purposes from the Maine Revised Statutes, Title 5, chapter 163, which involves the Office of the Chief Information Officer within the Department of Administrative and Financial Services, to Title 21-A, which involves election law.

PUBLIC 177 An Act To Amend the Civil Service Law with Respect to Classified LD 1468
Employees Who Accept Appointment to the Unclassified Service

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN	OTP	

Public Law 2003, chapter 177 permits a classified state employee who leaves the classified service to serve in an appointive position to retain promotion, transfer and demotion rights in the civil service for the duration of that employee's appointment in the unclassified service. It does not have an impact on unclassified employees who were appointed from outside of State Government. In addition, it provides greater incentives for classified state employees to serve in long-term appointments to the unclassified service. This law has no effect on the 12-month

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restoration right provided to a classified employee in the Maine Revised Statutes, Title 5, section 931, subsection 2, paragraph C.

PUBLIC 178	An Act To Update the Requirements of Counties' and Municipalities' Audit Reports	LD 1431
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<u>Sponsor(s)</u> MCLAUGHLIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-211
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Public Law 2003, chapter 178 replaces outdated language regarding the contents and requirements of county and municipal audit reports with more current, flexible language that allows for possible future changes in audit reporting requirements.

PUBLIC 179 EMERGENCY	An Act To Encourage Economic Development in Piscataquis County	LD 1357
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<u>Sponsor(s)</u> DAVIS P ANNIS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-59
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Public Law 2003, chapter 179 authorizes the county commissioners of Piscataquis County to raise, appropriate, borrow and spend money for the purposes of economic development in Piscataquis County.

Public Law 2003, chapter 179 was enacted as an emergency measure effective May 6, 2003.

PUBLIC 207 EMERGENCY	An Act To Permit Electronic Notification of Rulemaking for Interested Parties	LD 1528
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<u>Sponsor(s)</u> MCLAUGHLIN ROTUNDO	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 2003, chapter 207 permits required notice to be given to recipients via electronic mail, provided that those recipients have agreed in advance that such a manner of notice is acceptable. It also permits copies of proposed rules to be distributed in the same manner by agencies. As a result, agencies are provided with another medium by which to distribute rule-making information that also conserves paper resources. Prior to passage of this law, the written notice required in the agency rule-making process was required to be made by delivery or mail to statutorily specified recipients.

Public Law 2003, chapter 207 was enacted as an emergency measure effective May 16, 2003.

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PUBLIC 228 **An Act To Establish the Lincoln and Sagadahoc Multicounty Jail**
EMERGENCY **Authority**

LD 1199

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO	OTP-AM	S-103
WATSON		

Public Law 2003, chapter 228 establishes the Lincoln and Sagadahoc Multicounty Jail Authority.

Public Law 2003, chapter 228 was enacted as an emergency measure effective May 21, 2003.

PUBLIC 230 **An Act To Ensure Communication about Public Complaints against**
 State Employees

LD 1047

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERRIERE-BOUCHER	OTP-AM	H-279

Public Law 2003, chapter 230 requires each state agency to establish a policy to ensure that complaints by the public against state employees are addressed by that agency. It prohibits the release of confidential information that may not otherwise be released to the public.

PUBLIC 234 **An Act To Clarify the Division of the Positions of Town Assessor**
 and Selectman

LD 1226

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE	OTP-AM	H-280
BRYANT		

Public Law 2003, chapter 234 clarifies that a person who serves as both a selectman and a tax assessor may resign the position of assessor without resigning the office of selectman. It also clarifies that if a person who is serving in the State Legislature or in another office incompatible with the position of an assessor resigns the position of assessor before performing any duties as an assessor, that person may not be deemed to have vacated the position of State legislator or other office that is incompatible with the office of assessor.

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PUBLIC 238 An Act To Promote and Protect Private Enterprise

LD 1285

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL TARDY	OTP-AM	S-100

Public Law 2003, chapter 238 requires that, before a state agency may provide goods or services to the public, it must comply with certain provisions of law including the review and approval by the Advisory Committee on Fair Competition with Private Enterprise of providing these goods or services. The restriction on sales by a state agency does not apply if the sale of the goods or services is specifically authorized by law. It also permits state agencies to sell goods or services immediately in the case of an emergency. This provision in law only applies when a state agency sells new or additional goods or services as of January 15, 2004.

PUBLIC 241 An Act To Amend the County Contingent Fund

LD 416

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN	OTP-AM MAJ ONTP MIN	H-237

Public Law 2003, chapter 241 changes the cap on the contingent fund from \$50,000 to the greater of 1.5% of the annual county budget or \$100,000. It retains the exception to this cap for Sagadahoc County, which remains 4% of the annual budget.

PUBLIC 289 An Act To Codify the House Legislative Districts As Apportioned by Public Law 2003, chapter 44

LD 1610

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>

Public Law 2003, chapter 289 carries out the intent of Public Law 2003, chapter 44, which provides for the apportionment of the legislative districts for the Maine House of Representatives. It establishes the legislative districts based upon reference to United States Census civil divisions designations.

PUBLIC 291 An Act To Codify the County Commissioner Districts as Apportioned by Public Law 2003, Chapter 43

LD 1609

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>

Public Law 2003, chapter 291 carries out the legislative intent of Public Law 2003, chapter 43 by specifying, per United States Census designations, those areas that are located in each county commissioner district as reapportioned by the apportionment commission and submitted to the Clerk of the House April 3, 2003.

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**PUBLIC 294 An Act To Clarify the Laws Pertaining to the Surcharge for
Records Preservation for the Registry of Deeds**

LD 325

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
YOUNGBLOOD MCLAUGHLIN	OTP-AM	S-115

Public Law 2003, chapter 294 clarifies that the types of restoration used for the preservation of documents and paid for by a special nonlapsing account includes preservation by creation of a digital image stored on magnetic or optical media. It repeals the sunset clause for the records preservation surcharge and requires the register of deeds of each county to report annually to the joint standing committee having jurisdiction over state and local government matters on the amount of surcharge funds raised and expended and the use of those funds.

PUBLIC 297 An Act To Provide Requirements for Towns To Deorganize

LD 1290

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND	OTP-AM	S-121

Public Law 2003, chapter 297 clarifies that all debt incurred by a municipality prior to deorganization is the responsibility of the residents of the community and not the entire population of the unorganized territory. It directs the deorganizing community to conduct a fiscal impact analysis. It also authorizes the county commissioners in the county where the municipality considering deorganization is located to hold an advisory referendum on the deorganization. Finally, it requires a municipality that has rejected the deorganization to wait 3 years before reinitiating the process.

**PUBLIC 316 An Act To Implement the Recommendations of the State House and
Capitol Park Commission Regarding a Living Memorial in Capitol
Park**

LD 484

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-308

Public Law 2003, chapter 316 is submitted by the State House and Capitol Commission as a result of its study pursuant to Resolve 2001, chapter 110. It adds to the duties of the commission the responsibility, subject to available funding, of providing for the development and maintenance of a living memorial garden in Capitol Park. The commission may use public and private funds for that purpose.

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PUBLIC 332 An Act Concerning Municipal Firearms Discharge Ordinances

LD 1063

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP	OTP-AM MAJ	H-321
BRYANT	ONTP MIN	

Public Law 2003, chapter 332 requires a municipality to consult with the Department of Inland Fisheries and Wildlife during the process of consideration of the adoption or amendment of a firearm discharge ordinance. It also requires that the area in which the discharge of firearms is prohibited must be described in the ordinance using clearly defined physical boundaries as points of reference.

PUBLIC 406 An Act To Clarify the InforME Public Information Access Act

LD 1561

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM	S-172

Public Law 2003, chapter 406 clarifies various definitions to accurately represent the electronic services provided by InforME and the services available to those who pay the subscriber fee. It also clarifies the manner in which funds are collected and distributed by InforME to data custodians or agencies. In addition, InforME must follow certain requirements regarding the depositing of state funds as established by the Treasurer of State.

PUBLIC 450 An Act To Authorize the Department of Audit To Perform Other Audits and Reviews

LD 1429

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN	OTP-AM	H-369 S-246 ROTUNDO

Public Law 2003, chapter 450:

1. Eliminates outdated language referring to county estimates;
2. Changes the duties of the Department of Audit by requiring the department to conduct reviews of state programs or other research;
3. Clarifies that the State Auditor does not perform accounting functions for the State and the type of improper accounting actions that must be reported to the Governor and Legislature by the State Auditor. This section is scheduled to be repealed on January 30, 2006;
4. Requires the State Auditor to report any significant discrepancy found in the financial records of a state department or agency, within 60 days of the finding, to the joint standing committee of the Legislature that has jurisdiction over that department or agency and the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and state and local government matters; and

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5. Requires the State Auditor to meet annually with various joint standing committees of the Legislature for the purpose of presenting certain findings and recommendations included in the most recently completed annual state audit. The State Auditor is required to schedule the meetings by September 15th of each year.

**PUBLIC 463 An Act to Amend Certain Provisions of the Program Evaluation
and Government Accountability Laws**

LD 51

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN HALL	OTP-AM	H-361

Public Law 2003, chapter 463 changes the annual reporting date of the Office of Program Evaluation and Government Accountability to ensure that the Legislature has adequate time during a regular session to review the contents of the report. It requires all financial audits and post-audits to be performed by the Department of Audit. If the department is unable to conduct the audit within the time frame established by the joint legislative committee established to oversee program evaluation and government accountability matters, a qualified auditor must perform the financial audit or post-audit. It also requires the committee to develop a mission statement by January 1, 2005.

PUBLIC 501 An Act To Encourage Responsible Employment Practices

LD 1206

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL EDMONDS	OTP-AM MAJ ONTP MIN	H-353

Public Law 2003, chapter 501 requires the State Purchasing Agent to adopt rules to establish a fair basis for bid price comparison among businesses that provide health and retirement benefits and those that do not provide these benefits. The applicability of the rules is limited to personal services. It also requires that, before a state agency or department may contract personal services out to a private contractor, it must establish an equivalent basis for cost comparison for businesses that do not provide health insurance or retirement benefits. Personal services contracting is not permitted unless a private contractor provides the best value.

P & S 3 An Act to Authorize the Town of Medway to Sell Certain Land

LD 139

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY DUPREY G	OTP	

Private and Special Law 2003, chapter 3 allows the Town of Medway to sell certain land. It also establishes a sunset date for this law of January 1, 2013.

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P & S 4 An Act To Amend the Charter of the Eastport Port Authority LD 86

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODWIN	OTP	

Private and Special Law 2003, chapter 4 further defines the residency requirement for the Eastport Port Authority board as being that established by state statute for legal voting at an election and certified by the registrar of voters. It also maintains the intent of the original charter requiring staggered terms.

P & S 5 An Act To Revise the Boundary between the Town of Harrison and LD 793
EMERGENCY the Town of Bridgton

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT R SYKES	OTP-AM	S-16

Private and Special Law 2003, chapter 5 reestablishes the boundary line between the Town of Bridgton and the Town of Harrison along Long Lake.

Private and Special Law 2003, chapter 5 was enacted as an emergency measure effective April 17, 2003.

P & S 32 An Act To Authorize the Deorganization of the Town of Centerville LD 1624

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUNKER SHOREY		H-540 BRANNIGAN

Private and Special Law 2003, chapter 32 authorizes the deorganization of the Town of Centerville if, in accordance with the Maine Revised Statutes, Title 30-A, section 7207, a majority of the voters in the town approve the deorganization procedure developed in accordance with Title 30-A, section 7205 and if the deorganization is approved by the voters of the town at the next statewide election to be held in November.

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RESOLVE 6 **Resolve, Regarding Legislative Review of Portions of Chapter 130:**
EMERGENCY **Implementation of the State Purchasing Code of Conduct for**
 Suppliers of Apparel, Footwear and Textiles, a Major Substantive
 Rule of the Department of Administrative and Financial Services

LD 19

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-50
	OTP-AM MIN	

Resolve 2003, chapter 6 provides for legislative review of portions of Chapter 130: Implementation of State Purchasing Code of Conduct for Suppliers of Apparel, Footwear and Textiles, a major substantive rule of the Department of Administrative and Financial Services. The law requires the rules to be amended to include a sentence at the end of the bidding procedures section indicating that the names and addresses of suppliers at point of assembly may be kept confidential and not open for public inspection if the State Purchasing Agent determines the bidder has a program of monitoring that certifies its suppliers comply with the state purchasing code of conduct.

Resolve 2003, chapter 6 was finally passed as an emergency measure effective April 25, 2003.

RESOLVE 16 **Resolve, Authorizing the Commissioner of Administrative and**
 Financial Services To Convey Land to Baron and Janet Wormser

LD 1076

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM	H-204

Resolve 2003, chapter 16 authorizes the Commissioner of Administrative and Financial Services to sell the State's interest in a parcel of land located in Hallowell to Baron C. Wormser and Janet G. Wormser. It also requires the Wormsers to pay for the appraisal on the parcel of land.

RESOLVE 31 **Resolve, Authorizing the Commissioner of Administrative and**
 Financial Services To Release the State's Interests in an Easement
 Benefiting the Maine Criminal Justice Academy in Vassalboro

LD 1377

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN	OTP-AM	H-252
ROTUNDO		

Resolve 2003, chapter 31 authorizes the Commissioner of Administrative and Financial Services to release an abandoned well and water line easement that formerly served the former Oak Grove School, currently owned by the State and occupied by the Maine Criminal Justice Academy. It requires the Commissioner of Administrative and Financial Services to conduct at the State's expense an appraisal of the Realewood Estates North subdivision with the easement and without the easement on the property. It also requires the commissioner to determine,

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based on the value of the property without the easement, the terms under which the State may release the easement.

RESOLVE 32 **Resolve, Authorizing the Commissioner of Administrative and Financial Services To Enter into a Boundary Line Agreement between the State of Maine Parking Garage at the Corner of Sewall and Capitol Streets and the Parcel East of the Garage Bounded by Chamberlain Street** **LD 1445**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN	OTP	

Resolve 2003, chapter 32 authorizes the Commissioner of Administrative and Financial Services to resolve an uncertain boundary line between the State's parking garage and the adjacent property at 77 Capitol Street and to receive a right of first refusal to purchase the property.

RESOLVE 49 **Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review for the Regulation of Spoken Language Interpreters** **LD 909**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS LAVERRIERE-BOUCHER	OTP-AM	S-119

Resolve 2003, chapter 49 requires the Department of Professional and Financial Regulation to conduct a sunrise review in the form of an independent assessment for the regulation of spoken language interpreters. It also requires the department to report its findings to the Joint Standing Committee on Business, Research and Economic Development by January 15, 2004.

RESOLVE 51 **Resolve, Authorizing the Transfer of Land from the State to Maine School Administrative District No. 16** **LD 1550**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER TREAT	OTP-AM	H-388

Resolve 2003, chapter 51 authorizes the transfer of state-owned property, commonly known as "community gardens," located on Winthrop Street in Hallowell, to Maine School Administrative District No. 16. It requires that if the State transfers the property known as the "community gardens" located in Hallowell to Maine School Administrative District No. 16, it must sell or lease that property at fair market value. The State is permitted to transfer all or part of that property to School Administrative District No. 16. It also authorizes the State to enter into a 3-year option agreement with the board of directors of Maine School Administrative District No. 16 to sell or lease that property.

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RESOLVE 53 **Resolve, Authorizing the Commissioner of Administrative and Financial Services To Increase the Ground Lease Term at the Long Creek Youth Development Center from 50 to 90 Years** **LD 1412**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN	OTP-AM MAJ	H-387
BROMLEY	ONTP MIN	

Resolve 2003, chapter 53 extends the ground lease term from 50 to 90 years for property leased by the State at the Long Creek Youth Development Center in the City of South Portland. It requires the lessee of the leased property at the Long Creek Youth Development Center to take responsibility for the administration building. The lessee must make every effort to redevelop the administration building. If redevelopment is not viable, the building must be demolished at the lessee's expense. The decision to redevelop or demolish the administration building must be made within 7 years after signing the lease.

RESOLVE 59 **Resolve, Conveying The State's Interest in a Parcel of Property Located in Orrington** **LD 1541**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN	OTP-AM	H-431

Resolve 2003, chapter 59 authorizes the conveyance of certain property on the Johnson Mill Road in Orrington by the Director of the Bureau of Parks and Lands within the Department of Conservation to Mrs. Lillian King.

RESOLVE 77 **Resolve, to Extend the Reporting Deadline of the Commission to** **LD 40**
EMERGENCY **Recognize Veterans of World War II and the Korean War in the**
State House Hall of Flags

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON	OTP-AM	S-266 GAGNON
CLARK		S-4

Resolve 2003, chapter 77 extends the due date of the final report of the commission to recognize veterans of World War II and the Korean War in the State House Hall of Flags to November 1, 2003. It also increases from 4 to 8 the number of meetings the commission may hold.

Resolve 2003, chapter 77 was finally passed as an emergency measure effective June 17, 2003.

State and Local Government

RESOLVE 90 **Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell Up to 15 Acres of Land and Other Interests of the State at the Long Creek Youth Development Center, in South Portland** **LD 1512**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN	OTP-AM MAJ	H-370
BROMLEY	ONTP MIN	

Resolve 2003, chapter 90 authorizes the Commissioner of Administrative and Financial Services to sell up to 15 acres of unimproved land at the Long Creek Youth Development Center in South Portland for affordable or workforce housing.

RESOLVE 91 **Resolve, Amending the Commissioner of Administrative and Financial Services' Authorization To Convey a Portion of the Kennebec Arsenal in Augusta Pursuant to Resolve 1999, Chapter 56** **LD 1464**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN	OTP-AM MAJ	H-502
	ONTP MIN	S-300 CATHCART

Resolve 2003, chapter 91 authorizes the Commissioner of Administrative and Financial Services to convey approximately 30 acres of the Kennebec Arsenal property.

RESOLVE 92 **Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Estate Located in Hallowell and To Enter into Lease-purchase Agreements for School Bus Acquisition** **LD 1465**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN	OTP-AM MAJ	H-224
TREAT	ONTP MIN	S-311 CATHCART

Resolve 2003, chapter 92 authorizes the Commissioner of Administrative and Financial Services to sell or lease the State's interests in certain property located in Hallowell. It also authorizes the Commissioner of Administrative and Financial Services, on behalf of the Department of Education, to enter into lease-purchase contracts or other financing arrangements in fiscal years 2003-04 and 2004-05 for acquisition of school buses. Financing may not exceed 7 years in duration and \$2,500,000 in principal costs. Interest rates may not exceed 6%.

Taxation

PUBLIC 13 **An Act to Clarify That the Application Process for the Homestead Property Tax Exemption Is a One-time Process** **LD 521**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JODREY	OTP-AM	H-20

Public Law 2003, chapter 13 clarifies that the application for the Maine resident homestead property tax exemption is a one-time process; the exemption continues for that owner until the assessor determines that the property is no longer eligible for the exemption.

PUBLIC 30 **An Act to Clarify the Ability of the Maine Forest Service and Tax Assessors to View Private Landowners' Forest Management Plans** **LD 184**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JODREY	OTP-AM	H-20

Public Law 2003, chapter 30 permits a tax assessor or the Director of the Bureau of Forestry to see or possess a forest management plan for a reasonable period of time to verify compliance with a forest management plan under the Maine Tree Growth Tax Law. Upon completion of the review, the plan would be returned to the owner or the owner's agent.

PUBLIC 72 **An Act To Suspend Property Tax Abatement Appeals When the Taxpayer Fails To Pay Taxes** **LD 551**
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY CLARK	OTP	

Public Law 2003, chapter 72 amends the law relating to appeals of property tax abatement requests, in municipalities that do not have a board of assessment review, for property with a valuation of at least \$500,000 to clarify that the appeal process is suspended if the taxpayer is delinquent in paying taxes due after the year that is the subject of the abatement request being appealed when the taxes are not paid by the due date or according to a payment schedule mutually agreed to in writing by the taxpayer and the municipal officers. The changes enacted in this bill are identical to changes made to the Maine Revised Statutes, Title 36, section 843, subsection 4 by Public Law 2001, chapter 436, which applied to municipalities that have a board of assessment review.

Public Law 2003, chapter 72 was enacted as an emergency measure effective April 18, 2003.

Taxation

PUBLIC 212	An Act To Change the Process of Enforcement of a Municipality's Obligations to a School Administrative District	LD 572
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUNKER GAGNON	OTP-AM	H-251

Public Law 2003, chapter 212 updates the procedures for enforcement by the treasurer of a school administrative district or a community school district when a municipal treasurer fails to pay monthly installments due to the district. The new procedure authorizes the district treasurer to file an action in Superior Court to recover amounts due, interest, court costs and attorney's fees. The court may order the diversion of state-municipal revenue sharing and tax reimbursements due to the municipality and attach municipal property and other assets to satisfy the payment due the district.

PUBLIC 229	An Act To Amend the Lien Procedures for Time-share Estates	LD 305
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS STANLEY	OTP-AM	H-233

Public Law 2003, chapter 229 permits a municipality with a time-share tax ordinance to require the managing entity of a time-share project to pay the property taxes due with respect to the time-share estates that are a part of the project regardless of whether sufficient amounts were collected by the managing entity from time-share unit owners. The municipality could also opt to enforce the collection of taxes through the standard property tax lien procedure.

PUBLIC 242	An Act To Clarify Tax Appeal Procedures	LD 451
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE	OTP-AM	H-310

Public Law 2003, chapter 242 provides that, on appeal to Superior Court of a reconsideration decision of the State Tax Assessor, either the taxpayer or the assessor may raise facts, arguments or issues that relate to the assessor's decision on reconsideration provided that the facts, arguments or issues were not barred by any other provision of law.

Taxation

**PUBLIC 255
EMERGENCY**

**An Act To Conform the Maine Tax Laws for 2002 with the United
States Internal Revenue Code**

LD 1462

Sponsor(s)
LEMOINE
STANLEY

Committee Report
OTP

Amendments Adopted

Public Law 2003, chapter 255 updates references contained in the Maine Revised Statutes, Title 36 to the Internal Revenue Code, as amended through December 31, 2002, for tax years beginning on or after January 1, 2002 and for any prior years as specifically provided by the Code.

Public Law 2003, chapter 255 was enacted as an emergency measure effective May 21, 2003.

PUBLIC 287

An Act To Change the Tax Laws as They Apply to Combat Troops

LD 1523

Sponsor(s)
DAGGETT
COLWELL

Committee Report
OTP-AM

Amendments Adopted
S-127

Public Law 2003, chapter 287 provides a waiver of income taxes owed by a military person who died in a combat zone or from wounds, disease or other injury received in a combat zone or similar casualty in the same manner as provided pursuant to Section 692 of the Internal Revenue Code.

PUBLIC 390

An Act Concerning Technical Changes to the Tax Laws

LD 1571

Sponsor(s)
STANLEY
LEMOINE

Committee Report
OTP-AM

Amendments Adopted
S-175

Public Law 2003, chapter 390 makes technical changes to the tax laws. Some provisions of the original bill were moved to LD 1470, the "minor substantive changes bill."

1. It permits the disclosure of certain tax-related information to the Finance Authority of Maine, in the administration of the Maine College Savings Program, and to the Office of Head Start and Child Care, in the administration of the tax credits for investments in quality child care.
2. It provides confidentiality protection to information provided to the State Tax Assessor and used for preparing legislation or legislative analysis.
3. It deletes a redundant definition of the term "person" from the Sales and Use Tax Law. The same term is defined for all taxes in the general provisions of the tax laws.

Taxation

4. It clarifies the definition of "retail sale" to clarify that sales of all kinds of video media for rental were not taxable, consistent with other statutory changes enacted in 2002.
5. It clarifies that the sales tax exemption for motor vehicles leased to nonresidents does not apply to short-term rentals of automobiles to nonresidents. This change corrects an apparent oversight in the drafting of statutory changes enacted in 2002.
6. It deletes a redundant definition of the term "person" from the Gasoline Tax Act. The same term is defined for all taxes in the general provisions of the tax laws.
7. It replaces outdated references to state and federal statutes governing highway common carriers. The Public Utilities Commission no longer regulates highway common carriers and the federal excise tax no longer applies to highway transportation. This chapter substitutes a cross-reference to the statute that imposes the current operating authority license requirement and incorporates the relevant language of the repealed federal law into Maine law. This chapter also clarifies the formula for computing the amount of the refunds authorized by the statute and eliminates redundant verbiage and gender-specific language.
8. It corrects inappropriate references to "distributor" in the motor fuel tax laws. "Distributor" is not defined in the Maine Revised Statutes, Title 36, chapter 459 and is defined elsewhere in Title 36 to mean a different category of persons from what is intended here.
9. It corrects inappropriate references to "internal combustion engine fuel" in the motor fuel tax laws. "Internal combustion engine fuel" is not defined in Title 36, chapter 459 and is defined elsewhere in Title 36 to mean a different type of fuel from what is intended here. This chapter also removes superfluous verbiage and correct grammatical errors.
10. It standardizes a reference to the federal credit for state death taxes in the estate tax law for consistency with other statutory revisions made in 2002.
11. It updates the recycling assistance fee law by deleting references to categories of property that are no longer subject to the fee.
12. It clarifies that the taxable income described in Title 36, section 5121 is the "Maine taxable income" referred to in section 5111.
13. It clarifies that only interest from bonds of another state's government excluded from federal adjusted gross income must be added back in computing Maine adjusted gross income for a resident individual.
14. It clarifies that all deductions claimed for federal income tax purposes must be added back to Maine adjusted gross income if they were included in the taxpayer's investment credit base for the high-technology investment tax credit.
15. It clarifies that only exempt government bond interest included in federal adjusted gross income could be subtracted in computing Maine adjusted gross income.
16. It deletes an obsolete reference to the federal new jobs credit, which has been repealed.

Taxation

17. It limits the requirement to add back net operating losses that have been carried back to previous years for federal income tax purposes to tax years beginning before January 1, 2002, consistent with other recent changes in Maine's treatment of federal net operating loss deductions.
18. It conforms the language that permits subtraction from income of Maine College Savings Program distributions to that of Title 20-A, section 11479.
19. It clarifies references to federal adjusted gross income and federal taxable income for purposes of computing itemized deductions and to add a provision specifically requiring add-back of the deduction for contributions to family development account reserve funds that is disallowed by the last sentence of Title 36, section 5216-C, subsection 1.
20. It clarifies that the taxable income of estates and trusts on which the tax is imposed is the Maine taxable income described in Title 36, sections 5163 and 5175 and that the applicable tax rates are those provided for single individuals.
21. It clarifies that the taxable income of resident estates and trusts described in Title 36, section 5163 is the Maine taxable income taxed by section 5160 and delete superfluous verbiage.
22. It clarifies that the taxable income of nonresident estates and trusts described in Title 36, section 5175 is the Maine taxable income taxed by section 5160 and to correct grammatical errors.
23. It clarifies that bond interest from another state's government bonds excluded from federal taxable income must be added back in computing Maine taxable income of a corporation.
24. It clarifies that all deductions claimed for federal income tax purposes must be added back to the extent they are included in the taxpayer's investment credit base for the high-technology investment tax credit.
25. It clarifies the calculation of the retirement and disability credit by part-year residents. The changes conform to current agency practice.
26. It clarifies that the \$2,000 income limit for the low-income credit applies to an individual's entire taxable income as determined for resident individuals regardless of whether the taxpayer was a Maine resident for the entire year.
27. It clarifies the circumstances under which a taxpayer may be granted an extension of time to file an individual or fiduciary income tax return.
28. It establishes an automatic extension of time to file an individual or fiduciary income tax return equivalent to the federal extension. These changes provide a statutory basis for policies that have been implemented administratively.
29. It repeals a redundant provision relating to the collection of income tax debts owed by nonresidents. The powers granted to the State Tax Assessor by this provision are included in the general provisions of the tax laws.
30. It repeals a law that requires adoption of a rule for the elderly low-cost drug program to allow consideration of an applicant's change in income from the prior year. As of January 1, 2003, the elderly low-cost drug program is being administered by the Department of Human Services under the laws that govern the Healthy

Taxation

Maine Prescription Program, which determines eligibility based on the current income of the applicant. Repealing this law allows the Bureau of Revenue Services to repeal the rule that is no longer applicable.

Taxation

PUBLIC 391

An Act To Make Minor Substantive Changes to the Tax Laws

LD 1470

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE STANLEY	OTP-AM	H-421

Public Law 2003, chapter 391 makes the following minor substantive changes to the tax laws. Some provisions in the original bill were moved to LD 1571, the “technical changes bill.”

1. It corrects a conflict between the Maine Revised Statutes, Title 36, section 1861-A and section 1951-A regarding an individual's use tax responsibility to the State by clarifying that items with a purchase price of more than \$5,000 must be reported separately in the same manner as sales made by retailers as required by Title 36, section 1951-A.
2. It clarifies the administrative requirements pertaining to the sale of a controlling interest in real property in the real estate transfer tax law, consistent with statutory changes enacted in 2002.
3. It defines "primary recipient" for purposes of the pension income deduction and clarifies the treatment of early withdrawals and lump sum distributions.
4. It clarifies that the adjusted gross income described in Title 36, section 5142 is the Maine adjusted gross income defined in section 5102, subsection 1-C, paragraph B and taxed by section 5111, subsection 4 and that the Maine adjusted gross income of a nonresident individual includes the individual's share of income, deductions and modifications attributable to Maine-source income of a partnership or limited liability company, estate, trust or S corporation. These changes conform to current agency practice.
5. It provides that the proceeds from the sale of the future income stream derived from a lottery ticket purchased in Maine are Maine-source income subject to Maine income tax.
6. It clarifies that the credit for income tax paid to another taxing jurisdiction is limited to tax paid with respect to income that Maine recognizes as being derived from sources in the other taxing jurisdiction. The changes conform to current agency practice.
7. It clarifies the calculation of the credit for child care expenses by part-year residents and eliminates superfluous verbiage. The changes conform to current agency practice.
8. It clarifies that the refundable portion of the credit for child care expenses must be prorated for persons who were not Maine residents for any part of the year. The changes conform to current agency practice.
9. It eliminates the requirement to file a Maine income tax return for estates and trusts that had gross income less than \$10,000 and no Maine taxable income.
10. It amends the business equipment tax reimbursement statutes to provide that business equipment tax reimbursement is available, and limited to, a successor in interest that owns eligible business property on August 1st of the year in which a claim may be made.
11. It modifies the standards for a qualified employee for purposes of the jobs and investment tax credit and the Maine Employment Tax Increment Financing Act to reflect average annual wages rather than per capita

Taxation

income. Per capita income data by county are not available.

Taxation

PUBLIC 426 **An Act To Establish a Municipal Affordable Housing Development District Tax Increment Financing Program** **LD 858**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS, P	OTP-AM ONTP	H-412

Public Law 2003, chapter 426 creates a separate tax increment financing law for affordable housing development districts. This chapter creates a process similar to that currently available to municipalities to designate development districts for economic development purposes except that the affordable housing program would be administered by the Maine State Housing Authority. Captured assessed value within an affordable housing tax increment financing district would be sheltered by being excluded from the municipality's state valuation and, therefore, would not result in the reduction of state distributions to a participating municipality.

PUBLIC 439 **An Act Regarding Distribution of Tobacco Products** **LD 1587**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE STANLEY	OTP-AM	H-408

Public Law 2003, chapter 439 repeals the existing law governing cigarette distributor's responsibilities and enacts in its stead a new subchapter of law that would create a certification process for tobacco product manufacturers, a reporting requirement for tobacco product distributors and wholesalers and a directory of compliant tobacco product manufacturers.

PUBLIC 473 **An Act To Expand the Education Tax Credit** **LD 502**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL BRENNAN	OTP-AM	H-286

Public Law 2003, chapter 473 allows a need-based scholarship granting organization possessing endowments with a value at least \$1,000,000 to be designated as a qualified scholarship organization for purposes of certain tax credits if the organization demonstrates that it awards an amount equal to 100% of the amount of funds eligible for the tax credit received during the preceding calendar year and that administrative expenses for the endowments do not exceed 2% of the value of the endowments. This chapter also removes the requirement that a recipient sign a pledge indicating an intent to return to Maine and instead requires the qualified scholarship organization to either require such a pledge or to demonstrate that it offers outreach activities designed to encourage scholarship recipients to reside in Maine following graduation.

Taxation

PUBLIC 479

**An Act Regarding Conformity with the Federal Jobs and
Growth Tax Relief Reconciliation Act of 2003**

LD 1633

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE	OTP-AM MAJ	S-284
STANLEY	OTP-AM MIN	

Public Law 2003, chapter 479 updates references in the Maine Revised Statutes, Title 36 to the Internal Revenue Code, as amended through May 28, 2003 with exceptions for certain significant federal income tax law changes made by the federal Jobs and Growth Tax Relief Reconciliation Act of 2003, Public Law 108-27. Exceptions to conformity included changes to bonus depreciation, small business expensing, the standard deduction for married-joint filers and the alternative minimum tax.

**P&S 8
EMERGENCY**

**An Act To Assist Brascan, the Successor to Great Northern Paper, in
Paying the Property Taxes Due to the Towns of Millinocket and East
Millinocket**

LD 1575

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY	OTP-AM	S-44
LEMOINE		

Private and Special Law 2003, chapter 8 provides for a loan from the Finance Authority of Maine to Brascan Corporation to enable the corporation to pay Millinocket and East Millinocket property taxes incurred when the property was owned by Great Northern Paper, Inc., with repayment of the loan from future BETR payments, and ensures that Brascan receives the BETR payments in fiscal year 2003-04 with respect to property taxes it will pay.

Private and Special 2003, chapter 8 was enacted as an emergency measure effective April 25, 2003.

**P&S 22
EMERGENCY**

**An Act To Establish Municipal Cost Components for Unorganized
Territory Services To Be Rendered in Fiscal Year 2003-04**

LD 1433

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY	OTP-AM	H-427

Private and Special Law 2003, chapter 22 establishes municipal cost components for state and county services provided to the unorganized territory that would be paid for by a municipality. The municipal cost components form the basis for the property tax for the unorganized territory.

Private and Special 2003, chapter 22 was enacted as an emergency measure effective May 30, 2003.

Taxation

RESOLVE 30 Resolve, Authorizing the State Tax Assessor To Convey the Interest of LD 1460
the State in Certain Real Estate in the Unorganized Territory

Resolve 2003, chapter 30 authorizes the State Tax Assessor to convey the interest of the State in several parcels of real estate in the Unorganized Territory acquired by foreclosure for failure to pay property tax.

RESOLVE 81 Resolve, To Reduce the State Valuation for the Town of Hermon LD 542

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL TREADWELL	OTP-AM	S-101

Resolve 2003, chapter 81 authorizes the Town of Hermon to seek an adjustment of its state valuation for the year 2003 without meeting the August 1st filing deadline set forth in current law and provides a mechanism for adjustment of general purpose aid to local schools for the Town of Hermon if an adjustment is made.

RESOLVE 88 Resolve, Directing the State Tax Assessor to Adjust the State LD 138
EMERGENCY Valuation for the Town of Ashland

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN CHURCHILL, J	OTP-AM	S-170

Resolve 2003, chapter 88 reduces the 2003 state valuation for the Town of Ashland to \$66,950,000 and establishes a mechanism for adjustment of general purpose aid for local schools for the Town of Ashland to provide for the adjustment in the 2003 state valuation required by the resolve. The Commissioner of Education is directed to provide the required additional funds to the Town from savings in the General Purpose Aid for Local Schools account and requires the proration of funding if insufficient savings are available to fund adjustments for all municipalities for which adjustments are enacted.

Resolve 2003, chapter 8 was passed as an emergency measure effective June 23, 2003.

Transportation

**PUBLIC 22 An Act to Enhance Integration of Transportation and Land Use
Planning**

LD 463

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN DAMON	OTP	

Public Law 2003, chapter 22 requires the Department of Transportation to adopt a major substantive rule that establishes linkage between the Sensible Transportation Policy Act and comprehensive planning and land use regulation laws. The rule must also promote investment incentives for communities that adopt and implement land use plans that minimize over-reliance on the state highway network.

**PUBLIC 25 An Act To Improve the Safety of Public Roads
EMERGENCY**

LD 571

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER SAVAGE	OTP-AM	H-74

Public Law 2003, chapter 25 authorizes the Secretary of State to suspend without a hearing the license of a motor vehicle operator who, as a condition of bail, has been ordered not to drive. If the bail condition restricts but does not completely preclude vehicle operation, the Secretary of State is authorized to issue a restricted license containing those restrictions. The law also eliminates the requirement that the Secretary of State notify the driver of an opportunity for a hearing when the license suspension or issuance of a restricted license is based upon a bail order or condition of release. The law is offered in memory of Nicholas Grant, a resident of Hallowell killed in an automobile accident on July 17, 2002.

Public Law 2003, chapter 25 was enacted as an emergency measure effective April 1, 2003.

**PUBLIC 32 An Act To Simplify the Bonding Limitations of the Maine Turnpike
Authority**

LD 603

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH PH SAVAGE	OTP	

Public Law 2003, chapter 32 establishes one statutory cap for revenue bonds issued by the Maine Turnpike Authority and eliminates the existence of three separate revenue bond categories.

Transportation

PUBLIC 40 **An Act Making Unified Appropriations and Allocations for the**
EMERGENCY **Expenditures of State Government and Highway Funds and**
 Changing Certain Provisions of the Law Necessary to the Proper
 Operations of State Government for the Fiscal Years Ending June
 30, 2004 and June 30, 2005

LD 1324

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
USHER	OTP-AM MAJ	H-67
HATCH PH	ONTP MIN	

Public Law 2003, chapter 40 does the following:

Part A makes allocations from the Highway Fund;

Part B makes allocations from the Highway Fund representing reduction proposals or adjustments;

Part C authorizes the Department of Public Safety to charge an overhead rate of 5% to the Maine Turnpike Authority for the expenditures of the Maine State Police Turnpike Enforcement program. It also authorizes the Department of Public Safety to reclassify 4 positions; and

Part D authorizes the State Budget Officer to calculate and transfer various statewide personal service savings.

Public Law 2003, chapter 40 was enacted as an emergency measure effective July 1, 2003.

PUBLIC 41 **An Act To Make Additional Allocations From the Highway Fund**
EMERGENCY **and Other Funds for the Expenditures of State Government and To**
 Change Certain Provisions of State Law Necessary to the Proper
 Operations of State Government for the Fiscal Year Ending June
 30, 2003

LD 1379

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
USHER	OTP-AM	H-69
HATCH PH		

Public Law 2003, chapter 41 does the following:

Part A makes allocations of funds for fiscal year 2002-03;

Part B makes allocations of funds for approved reclassifications and range changes;

Part C authorizes the Department of Administrative and Financial Services on behalf of the Department of the Secretary of State to enter into financing arrangements for the acquisition of software and systems for a motor vehicle database and computer system to support the operations of the Department of the Secretary of State as approved in Public Law 2001, chapter 361, section 35.

Transportation

It also authorizes the Department of Transportation to establish lease-purchase contracts for the procurement of vans, buses and other transportation vehicles;

Part D amends Public Law 1997, chapter 674, the authority for lease-purchase for engineering vehicles or equipment and other vehicles and equipment for Motor Transportation Service;

Part E lapses funds from the Highway Fund Compensation and Benefits Plan to the unallocated balance of the Highway Fund;

Public Law 2003, chapter 41 was enacted as an emergency measure effective April 11, 2003.

PUBLIC 67 An Act To Honor Purple Heart Award Recipients LD 422

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORBERT	OTP-AM	H-68

Public Law 2003, chapter 67 eliminates the motor vehicle registration fee charged to a Purple Heart medal recipient that is issued a set of Purple Heart registration plates.

PUBLIC 78 An Act To Allow Fire and Emergency Medical Services Response Vehicles To Display One Blue Light at the Rear of the Vehicle LD 464

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL	OTP MAJ	
SAVAGE	ONTP MIN	

Public Law 2003, chapter 78 allows an ambulance, an emergency medical services vehicle, a fire department vehicle, a fire vehicle and a hazardous material response vehicle to be equipped with one blue light mounted at the rear of the vehicle, so that the light is visible to approaching traffic.

PUBLIC 92 An Act to Enhance School Zone Safety LD 12

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARLEY	OTP-AM	H-119

Public Law 2003, chapter 92 allows a municipality to designate a school zone other than the zone currently defined in law if the municipality has the approval of the Department of Transportation and the Chief of State Police, and the municipality is in compliance with the latest edition of the Manual on Uniform Traffic Control Devices published by the Federal Highway Administration.

Transportation

PUBLIC 97 An Act To Enhance Enforcement of Safety Zone Laws

LD 837

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL DAMON	OTP-AM	H-102

Public Law 2003, chapter 97 imposes a minimum fine of \$250 for failure to comply with safety requirements governing drivers approaching or passing a stationary authorized emergency vehicle that is using an emergency light.

PUBLIC 111 An Act To Allow the Maine Turnpike Authority To Benefit from Advantageous Interest Rates

LD 604

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE	OTP-AM	S-34

Public Law 2003, chapter 111 authorizes the Maine Turnpike Authority to enter into agreements that may provide a subsequent advantage to the authority based on future interest rates.

PUBLIC 117 An Act To Increase the Availability of Handicapped Parking Spaces for People with Disabilities

LD 424

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARLEY	OTP-AM	H-165

Public Law 2003, chapter 117 allows municipalities to apply time limits to on-street parking spaces reserved for handicapped persons.

PUBLIC 119 An Act To Enhance Vistas

LD 788

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON USHER	OTP-AM	S-35

Public Law 2003, chapter 119 allows the Department of Transportation, in consultation with a municipality, to preserve and develop the natural scenic beauty along and adjacent to any state or state aid highway to integrate the public improvement with the aesthetics of the area traversed by the highway, particularly along those areas of the highway that constitute the entrance to that municipality. It requires the Department of Transportation to consult with each municipality traversed by a state or state aid highway on the placement of utility poles and signs within the boundaries of that municipality. The law also requires the Department of Transportation to take into

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consideration the interests of a municipality as to the location of any state and state aid highway construction or alteration within the boundaries of that municipality.

PUBLIC 125	An Act To Create Experimental Motor Vehicle Plates and Registration	LD 690
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<u>Sponsor(s)</u> ANNIS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-137
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Public Law 2003, chapter 125 establishes registration plates for experimental motor vehicles. The law requires experimental motor vehicle inventors to register with the Secretary of State in order to obtain experimental motor vehicle plates. The law also requires the Secretary of State to adopt rules to establish the application criteria and process by which a person may obtain an experimental motor vehicle plate. It also establishes equipment, operation and insurance standards for experimental motor vehicle registration.

PUBLIC 128	An Act To Amend the Laws Governing Antique Vehicles	LD 365
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<u>Sponsor(s)</u> PEAVEY-HASKELL SAVAGE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-149
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Public Law 2003, chapter 128 allows an antique vehicle to pull a trailer or semitrailer as long as the vehicle is being used for recreational purposes or for exhibitions, club activities, parades or other functions of public interest and is not the owner's primary mode of transportation of passengers or goods.

PUBLIC 132 EMERGENCY	An Act To Allow Modular Home Transporters To Obtain Trailer Transit Plates	LD 323
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<u>Sponsor(s)</u> JOY BENNETT R	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-160
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Public Law 2003, chapter 132 allows businesses that transport modular homes or frames for transporting modular homes to apply for a trailer transit license and plate.

Public Law 2003, chapter 132 was enacted as an emergency measure effective May 13, 2003.

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PUBLIC 133 An Act To Clarify Ownership Rights to Repossessed Vehicles

LD 430

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO USHER	OTP-AM	S-60

Public Law 2003, chapter 133 clarifies that ownership of a titled vehicle vests in the lienholder when the vehicle is repossessed by a lienholder that is a supervised financial organization, subject to the rights granted to the owner and the duties imposed on the lienholder under the Maine Revised Statutes, Title 9-A, Article 5, Part 1 and Title 11, Article 9-A, Part 6.

PUBLIC 140 An Act To Amend the Motor Vehicle Laws Pertaining to Mufflers

LD 819

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKENNEY SAWYER	OTP-AM	H-178

Public Law 2003, chapter 140 creates an exception to the current motor vehicle statutory provisions that prohibit loud exhaust noise by allowing exhaust systems that do not exceed 95 decibels as measured in accordance with the Society of Automotive Engineers standard J-1169. The law applies to motor vehicles with the exception of motorcycles.

PUBLIC 144 An Act To Amend Motor Vehicle Frame Height Laws

LD 818

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKENNEY	OTP-AM	H-122

Public Law 2003, chapter 144 modifies the standard for measuring the frame height of a motor vehicle.

PUBLIC 146 An Act To Clarify Inspection Standards Related to Vehicle Wheel Size

LD 737

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N	OTP	

Public Law 2003, chapter 146 codifies two rules that are currently found in the Department of Public Safety, Bureau of State Police's "Maine Motor Vehicle Inspection Manual." The law requires vehicles to have tires that meet or exceed the load and speed rating of the original equipment tires. The law also requires the overall diameter of a wheel, with the tire, that has an altered rim to be within the vehicle manufacturer's specifications.

Transportation

PUBLIC 152 An Act Pertaining to Trustee Services for the Maine Turnpike Authority

LD 906

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH PH USHER	OTP	

Public Law 2003, chapter 152 clarifies that the Maine Turnpike Authority may obtain trustee and similar services from any bank or financial institution.

PUBLIC 166 An Act To Make Technical Amendments to Truck Size and Weight Laws

LD 1457

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS SAVAGE	OTP-AM	H-177

Public Law 2003, chapter 166 amends the truck size and weight laws as follows:

1. It clarifies that certain definitions apply to the entire Maine Revised Statutes, Title 29-A;
2. It restores the gross vehicle weight reduction provisions for shorter wheelbase 6-axle combination vehicles that were inadvertently repealed in 1999;
3. It provides that an overlimit permit will also cover the trailer or semitrailer used to haul the overlimit load, in the event that the trailer or semitrailer also exceeds normal width or length limits;
4. It clarifies that the same length provisions apply on the network designated by the Commissioner of Transportation for double 28 1/2 trailer-semitrailer vehicles as would apply on the national highway network; and
5. It repeals the lift axle prohibition for vehicles hauling semitrailers between 48 feet and 53 feet in length.

PUBLIC 183 An Act Relating to Motorcycles and Driver Education

LD 894

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON GERZOFSKY	OTP	

Public Law 2003, chapter 183 requires driver education courses, including motorcycle driver education, to include instruction that imparts the understanding and skills necessary to operate a motor vehicle safely in a situation in which a motorcycle is sharing the road with that motor vehicle.

Transportation

PUBLIC 209 An Act to Require Flashing Lights for Private Snow Plows

LD 197

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT P MARTIN	OTP-AM MAJ ONTP MIN	H-25

Public Law 2003, chapter 209 reduces the minimum allowable candlepower of lights on vehicles used for plowing snow on private ways from 1,000,000 to 50 candlepower and requires that those vehicles use such a light whenever the vehicle enters a public way while engaged in a plowing activity.

PUBLIC 222 An Act To Allow the Early Submission of an Application To Become Licensed as a Motor Vehicle Inspector

LD 1509

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS	OTP-AM	H-243

Public Law 2003, chapter 222 allows a person to submit an application and complete testing for an inspection mechanic certificate up to 6 months prior to the applicant's 18th birthday, but does not allow the Bureau of State Police to issue the certificate until the applicant is 18 years of age.

PUBLIC 235 An Act To Ensure That Title Applications are Timely Delivered

LD 290

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL MAYO	OTP-AM	H-242

Public Law 2003, chapter 235 allows the Secretary of State to collect a \$125 penalty if an application, certificate of title or other document required to be delivered to the Secretary of State is not delivered to the Secretary of State within 20 days.

PUBLIC 240 An Act To Amend the Motor Vehicle Laws

LD 1233

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKENNEY	OTP-AM	H-256

Public Law 2003, chapter 240 exempts used motor vehicle dealers who obtain motor vehicles at an auction outside the State from the requirement that they obtain from the sellers of those vehicles a written disclosure statement, if the dealer clearly specifies on the written disclosure statement required by the Maine Revised Statutes, Title 10, section 1475, subsections 1 and 2-A that the vehicle was acquired at an out-of-state auction and that historical information regarding mechanical defects and substantial damage is not available.

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The law also provides for timely delivery of documentation necessary for the transfer of title to motor vehicles. It allows a motor vehicle dealer to obtain all pertinent information about existing liens on a vehicle that a customer wants to trade in toward the purchase of another vehicle. It also clarifies that a lienholder, at the request of the owner, is required to disclose only the existence and identity of subordinate lienholders listed on the certificate of title, the certificate of salvage or other written documentation held by the lienholder.

PUBLIC 253 An Act To Repeal the Provision of Law Requiring Permits for 53-foot Trailers LD 1467

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
USHER HATCH PH	OTP-AM	H-245

Public Law 2003, chapter 253 increases the annual registration fee for a camp trailer or semitrailer exceeding 2,000 pounds from \$18 to \$20. It increases the fee for a semipermanent registration plate from \$10 to \$12 for each semitrailer and increases the fee for a 20-year semipermanent semitrailer registration plate from \$10 to \$12 per year for each registration. It also repeals the requirement that a 53-foot semitrailer permit must be obtained from the Secretary of State in order for a single semitrailer whose total length exceeds 48 feet but does not exceed 53 feet to be operated in combination with a truck tractor on certain highways.

Public Law 2003, chapter 253 takes effect January 1, 2004.

PUBLIC 256 An Act To Declare Maine Aviation and Aerospace Education Week LD 1599

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Public Law 2003, chapter 256 designates the 3rd week in April as Maine Aviation and Aerospace Education Week.

PUBLIC 266 An Act To Establish a Definition for Biodiesel Fuels LD 441

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND	OTP-AM	S-135

Public Law 2003, chapter 266 clarifies that the definition of "distillates" in the Maine Revised Statutes, Title 36, section 3202 includes "biodiesel fuel." The law defines "biodiesel fuel" as renewable fuel composed of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats that is registered with the United States Environmental Protection Agency as a fuel and a fuel additive under the federal Clean Air Act, Section 211(b), 42 United States Code, Section 7545 and as otherwise specified in the American Society for Testing Materials Standard D6751-02a or its subsequent Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels.

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PUBLIC 286 An Act To Protect Young Drivers and Passengers

LD 1439

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE USHER	OTP-AM	S-159

Public Law 2003, chapter 286 establishes a 3-step graduated licensing system for new drivers under 21 years of age consisting of a supervised instruction permit, an intermediate license and an unrestricted license. The law prohibits a person who has been issued an instruction permit or an intermediate driver's license from driving while using a mobile telephone. The law also requires mandatory license suspensions for violations occurring during the term of provisional licenses.

PUBLIC 293 An Act To Clarify and Update the Laws Concerning the Types of Transportation Vehicle Used To Transport Children

LD 1018

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARLEY	OTP-AM	H-333

Public Law 2003, chapter 293 establishes a definition for an "allowable alternative vehicle" to address an existing conflict between current state and federal regulations regarding transportation services for school children. Chapter 293 authorizes the limited use of allowable alternative vehicles for school transportation with specific exemptions from current laws regarding equipment standards for school buses. The law also exempts certain vehicles used for the transport of children to nonschool-based Head Start facilities from the equipment, operator and inspection requirements applicable to school buses until January 1, 2006.

PUBLIC 295 An Act To Protect Lienholders of Titled Vehicles EMERGENCY

LD 1062

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J MAYO	OTP-AM	H-299

Public Law 2003, chapter 295 requires the Secretary of State to provide notice to a lienholder with a lien date more than 66 months old by both regular mail and certified mail, return receipt requested, that the lien will be assumed to be satisfied unless the lienholder objects in writing within 30 days of either receipt of the notice, as evidenced by the return receipt, or 45 days of mailing by the Secretary of State in the event the lienholder refuses delivery of the notice by certified mail.

Public Law 2003, chapter 295 was enacted as an emergency measure effective May 27, 2003.

Transportation

**PUBLIC 311 An Act To Allow the Maine Turnpike Authority To Allow the
Purchase of Nontoll Services by Electronic Toll Collection Patrons**

LD 1420

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH PH USHER	OTP	

Public Law 2003, chapter 311 authorizes the Maine Turnpike Authority to develop programs to allow electronic toll collection system patrons to purchase non-toll services with their electronic toll collection system devices.

PUBLIC 340 An Act To Amend the Motor Vehicle Laws

LD 1520

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
USHER HATCH PH	OTP-AM	H-371

Public Law 2003, chapter 340 amends the motor vehicle statutes as follows:

1. It changes an incorrect reference from the Commissioner of Public Safety to the Bureau of State Police in regard to rule-making authority;
2. It changes the designation of rules adopted by the Chief of the State Police and authorized under the Maine Revised Statutes, Title 29-A, section 1769 to routine technical rules;
3. It clarifies the provisions regarding fog lights;
4. It defines a "nitrous oxide system" and allows its use on a public way if all canisters of nitrous oxide have been removed from the motor vehicle;
5. It requires that the dump body of a dump truck either be lowered to the down position, locked or blocked in the up position when the dump truck is being repaired or when it is unattended;
6. It prohibits a motor vehicle operator from passing in the breakdown lane or on the shoulder of a limited-access highway;
7. It allows for the submission of motor vehicle accident forms to the Chief of the State Police via electronic format; and
8. It repeals the prohibition against breaking the seal on a refrigerated load.

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PUBLIC 362 **An Act To Authorize a Pilot Project To Allow Commercial Vehicles at Canadian Weight Limits Access to the Woodland Commercial Park in Baileyville** **LD 1565**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
USHER	OTP-AM MAJ	H-410
SHOREY	ONTP MIN	

Public Law 2003, chapter 362 authorizes the Commissioner of Transportation to conduct a pilot project allowing certain commercial vehicle configurations at Canadian weight limits to travel from the planned Calais - St. Stephen Bridge to the junction of U.S. Route 1 and U.S. Route 9 in Baileyville. The law requires trucks participating in the pilot project to display a credential obtained for a fee from the Secretary of State. The law also directs the Secretary of State to adopt routine technical rules to implement the credentialing process.

PUBLIC 363 **An Act To Provide Incentives for Development and To Amend Traffic Movement Permit Standards** **LD 1452**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH PH	OTP-AM	S-169
USHER		

Public Law 2003, chapter 363 revises existing incentives that guide the location of developments generating more than 100 cars per hour. It relaxes the standard for projects in growth areas that reuse currently developed land and buildings with a proposed increase in building footprint of not more than 10% by limiting traffic mitigation requirements to improvements to entrances and exits of a project. Current law provides this incentive only for conversion of existing buildings.

Development incentives do not apply to developments with an entrance or exit on a high-speed arterial highway and are provided only if a project includes traffic demand management strategies. It also prevents a licensing authority from issuing a permit for a building or use when a driveway, entrance or traffic movement permit is required until after such a permit has been obtained from the Department of Transportation

PUBLIC 380 **An Act To Assist Regional Transportation Providers To Comply with the Booster Seat Law** **LD 644**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRESSEY	OTP-AM	H-161
SAVAGE		H-407 USHER
		S-226 HATCH PH

Public Law 2003, chapter 380 expands the definition of a "federally approved child restraint system" to include lap-belt-only systems and other federally approved devices such as special harnesses and vests. The law allows children over 4' 7", regardless of age or weight, to use a vehicle's lap and shoulder belt system instead of a booster

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seat. The law also exempts nonprofit, municipal or contracted transportation service providers from securing a child less than 8 years of age and who weighs at least 40 pounds but less than 80 pounds in a federally approved child restraint system until February 1, 2005, except that the operator must ensure that the child is properly secured in a seat belt. The law further requires that written warnings be issued for a violation of the booster seat portion of the law until September 1, 2003, after which a fine may be imposed.

PUBLIC 397 **An Act Authorizing the Operation of Low-speed Vehicles on** **LD 393**
EMERGENCY **Certain Roads**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARLEY	OTP-AM	H-357
HALL		S-173 ROTUNDO

Public Law 2003, chapter 397 enacts provisions for the registration and use of low-speed vehicles on roads with speed limits up to 35 miles per hour. It authorizes the registration and use of low-speed vehicles in certain municipalities and islands beginning on June 1, 2003. For all other jurisdictions, the registration and use of these vehicles is authorized beginning September 1, 2003. A municipality may prohibit use of low-speed vehicles by municipal ordinance. A municipality or the Department of Transportation may prohibit the use of low-speed vehicles on roads when such restriction is necessary for safety.

Public Law 2003, chapter 397 was enacted as an emergency measure effective June 3, 2003.

PUBLIC 431 **An Act to Allow Certain Women Recovering from Childbirth To Be** **LD 1049**
 Issued Temporary Handicapped Parking Permits

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISCHER	OTP-AM MAJ	H-409
DAMON	ONTP MIN	

Public Law 2003, chapter 431 authorizes the Secretary of State to issue temporary disability placards to certain women who are recovering from childbirth. The law allows temporary placards to be issued for a period of one week after cesarean section delivery and for a time determined by the patient's physician for a preterm infant.

PUBLIC 434 **An Act To Amend the Motor Vehicle Laws** **LD 1590**
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH PH	OTP-AM	S-237
USHER		

Public Law 2003, chapter 434 makes the following changes to the motor vehicle laws.

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1. It requires manufacturers and distributors of motor vehicles to apply for a license for each line make;

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2. It amends the definitions of "commercial motor vehicle" and "hazardous material" to comply with federal definitions;
3. It requires the Secretary of State to adopt rules establishing fees for records of databases pertaining to driver's licenses and motor vehicles and for the electronic transmittal of records;
4. It makes sensitive records and information concerning information technology systems confidential;
5. It allows a for hire passenger vehicle to temporarily replace a disabled vehicle without having hire plates on the substitute vehicle, provided that the substitute vehicle is covered by adequate insurance;
6. It allows the Secretary of State to restrict the issuance of certain vanity plate configurations;
7. It clarifies that the one-day grace provision for a violation of statutes regarding fuel tax identification decals applies only to the display of fuel decals and not to the filing of fuel tax reports and the payment of fuel taxes;
8. It provides that a licensed recycler is exempt from additional licensing fees if already licensed as a used or new vehicle or equipment dealer;
9. It clarifies that vehicles weighing more than 10,000 pounds may be operated with dealer plates provided the vehicle does not contain a load;
10. It prohibits a motor vehicle dealer or an owner of a body shop, transmission shop or garage from charging a customer a fee for the use of a loaner plate;
11. It clarifies that in the case of a conflict between federal and state law, rule or regulation concerning the implementation and enforcement of the federal Commercial Motor Vehicle Safety Act and regulations adopted under that Act, federal law or regulation must apply and take precedence;
12. It provides that a license applicant who has not been licensed to operate a motor vehicle in this State or in another jurisdiction within the past 5 years must pass a complete examination;
13. It increases the fee assessed for failure to appear for a scheduled driver's license examination;
14. It repeals the provision exempting persons 65 years of age and older from the picture license requirement;
15. It clarifies the fee for duplicate licenses and increases license renewal fees;
16. It establishes a 5-year commercial driver's license for persons under 65 years of age consistent with American Association of Motor Vehicle Administrators and Federal Motor Carrier Safety Administration recommendations;
17. It clarifies that an accident report may be submitted to the Chief of State Police in electronic format and requires the Chief of the State Police to send all police accident reports to the Secretary of State;
18. It repeals the requirement that a person involved in an accident file a written report with the Secretary of State within 48 hours after the accident;
19. It clarifies the periods of license suspension that apply to administrative determinations for excessive blood-alcohol level made by the Secretary of State;

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20. It implements the requirements of the federal USA PATRIOT ACT relating to security threat assessment for individuals applying for or receiving hazardous material endorsement for a commercial driver's license;
21. It delays the effective date for the implementation of the requirement that a company insuring a motor vehicle notify the Secretary of State when insurance coverage is cancelled to January 1, 2005. This provision was enacted as an emergency measure effective June 5, 2003; and
22. It requires that the Secretary of State report to the Joint Standing Committee on Transportation by April 1, 2004 on the status of the implementation of the electronic notification of insurance cancellation.

Unless otherwise noted above, this law takes effect October 1, 2003.

PUBLIC 490 EMERGENCY	An Act To Make Supplemental Highway Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005	LD 1322
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<u>Sponsor(s)</u> USHER HATCH PH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-589
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Public Law 2003, chapter 490 does the following:

Part A makes supplemental allocations from the Highway Fund;

Part B makes supplemental allocations from the Highway Fund for approved reclassifications and range changes;

Part C makes an additional supplemental allocation from the Highway Fund; and

Part D allows a low-speed vehicle loaned to a municipality by a dealer to be subject to the same registration and title requirements and exemptions as other vehicles loaned by a dealer to a municipality.

Public Law 2003, chapter 490 was passed as an emergency measure effective June 23, 2003.

PUBLIC 496	An Act To Restrict Use of Auto Dealer Plates	LD 1028
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<u>Sponsor(s)</u> MILLS P	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-429
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Public Law 2003, chapter 496 requires the Secretary of State to reduce the number of dealer plates to one upon the renewal of a motor vehicle dealer license if the motor vehicle dealer sells fewer than 12 vehicles through retail sales in a 12-month period and prohibits the Secretary of State from issuing a dealer plate for personal use. The law further requires that upon second application for renewal, a motor vehicle dealer must be denied renewal of

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the license if the dealer sold fewer than 4 motor vehicles through retail sales in the previous license year and prevents a motor vehicle dealer who is denied license renewal from reapplying for one year. This law does not apply to a motor vehicle dealer who holds an auction business license.

**PUBLIC 498 An Act To Implement the Recommendations of the Task Force on
Rail Transportation and Correct an Inconsistency**

LD 599

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	H-400 USHER S-136 S-295 CATHCART

Public Law 2003, chapter 498 directs the Commissioner of Economic and Community Development to ensure that transportation needs and the potential use of rail are considered when economic development projects are planned. It establishes a freight transportation advisory council in statute. It requires the Commissioner of Transportation to seek the review of the joint standing committee of the Legislature having jurisdiction over transportation matters prior to the dismantling of state-owned railroad tracks. It increases the maximum allowable reimbursement to railroad companies for maintaining a railroad crossing from \$1,500 to \$2,500 per crossing. It directs the Joint Standing Committee on Taxation to review and make recommendations for statutory revisions to Maine tax laws affecting railroads and authorizes the committee to report out a bill to implement recommendations during the Second Regular Session of the 121st Legislature. It repeals the tax credit cap on the railroad excise tax.

Certain provisions of Chapter 498 with an impact on the General Fund have a delayed effective date of July 1, 2005. These provisions direct all revenue from the railroad excise tax to be deposited in the Railroad Preservation and Assistance Fund and all use taxes paid on fuel consumed by vehicles operating on rails and eligible for a refund from the gas tax to be deposited in the Railroad Preservation and Assistance Fund. Also effective July 1, 2005 is a provision that amends Maine Revised Statutes, Title 29-A, section 2602 to provide for fines from the over-100,000-pounds violations to be deposited in the Highway Fund in the same manner as other fines for weight violations.

**PUBLIC 502 An Act To Amend the Laws Regarding Storage of Sand and Salt
and To Provide Funding for State and Municipal Storage Facilities**

LD 1414

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
USHER HATCH PH	OTP-AM	H-428 S-315 HATCH PH

Public Law 2003, chapter 502 amends the Highway Fund budget for the 2003-2004 fiscal year to provide \$327,000 in funding for the construction of salt and sand storage facilities that will be owned by the Department of Transportation and for the reimbursement of municipal expense in constructing salt and sand storage facilities.

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The law requires the Department of Transportation to report annually to the Department of Environmental Protection regarding expenditures for sand and salt storage areas. The law also exempts the Department of Transportation from violation of best management practice rules governing sand and salt storage adopted by the Department of Environmental Protection if the Department of Transportation complies with the reporting requirements in the Maine Revised Statutes, Title 38, section 451-A.

P & S 7 An Act To Increase the Debt Limit of the Rockland Port District LD 621

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCNEIL	OTP	
SAVAGE		

Private and Special Law 2003, chapter 7 raises the debt limit of the Rockland Port District from its 1951 limit of \$100,000 to \$600,000 based on calculations converting the value in today's worth.

P & S 12 An Act To Make Allocations from Maine Turnpike Authority LD 1153
Funds for the Maine Turnpike Authority for the Calendar Year
Ending December 31, 2004

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Private and Special Law 2003, chapter 12 makes allocations from gross revenues of the Maine Turnpike Authority for the payment of the authority's operating expenses for the calendar year ending December 31, 2004 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

RESOLVE 1 Resolve, To Name the Washington County Portion of US Rt. 9 the LD 482
Tony Tammaro Memorial Highway

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUNKER	OTP	
SHOREY		

Resolve 2003, chapter 1 names the Washington County portion of United States Route 9 the Tony Tammaro Memorial Highway.

Transportation

RESOLVE 2 **Resolve, to Designate Interstate 95 from Augusta to Houlton as the Purple Heart Trail** **LD 14**

<u>Sponsor(s)</u> MARLEY HALL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-13
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Resolve 2003, chapter 2 directs the Department of Transportation to designate that part of Interstate 95 that starts in Augusta and continues through to Houlton as the Purple Heart Trail and erect appropriate signs along the highway to proclaim this designation. It also directs the Department of Transportation to continue to maintain signs along the highway in that area memorializing Brian M. Jewett.

RESOLVE 3 **Resolve, Regarding State Designation of Memorials Honoring Maine's Vietnam War Veterans** **LD 357**

<u>Sponsor(s)</u> TREADWELL SAWYER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-26
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Resolve 2003, chapter 3 designates the State Vietnam Veterans' Memorial located in Capitol Park in Augusta as the official state memorial to honor the Vietnam War veterans of Maine. It allows that, notwithstanding this designation, the Legislature may designate other monuments, structures or property in other locations throughout the State as state memorials in honor of those veterans. It also designates a monument to be erected in Bangor on the grounds of the Cole Land Transportation Museum as a state memorial to honor the Vietnam War veterans of Maine.

RESOLVE 4 **Resolve, Requiring the Department of Transportation To Consider** **LD 50**
EMERGENCY **Replacement of the Waldo-Hancock Bridge**

<u>Sponsor(s)</u> BERRY WESTON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-23
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Resolve 2003, chapter 4 requires the Department of Transportation to undertake a process that conforms with federal law to determine a long-term solution to address safety concerns regarding the Waldo-Hancock Bridge. It requires that construction of a new bridge between Prospect and Verona be considered as one of the alternatives.

Resolve 2003, chapter 4 was enacted as an emergency measure effective April 15, 2003.

Transportation

RESOLVE 9 **Resolve, Regarding State Designation of Memorials Honoring the Underground Railroad** **LD 152**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
YOUNGBLOOD PERRY J	OTP-AM	S-36

Resolve 2003, chapter 9 designates the Underground Railroad Memorial located in the Chamberlain Freedom Park in Brewer as the official state memorial to honor the Underground Railroad. It allows that, notwithstanding this designation, the Legislature may designate other monuments, structures or properties in other locations throughout the State as state memorials in honor of the Underground Railroad.

RESOLVE 19 **Resolve, To Rename the Paddy Hill Road in Medford the Clyde Hichborn Road** **LD 1329**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN DUPREY G	OTP-AM	S-78

Resolve 2003, chapter 19 renames the Paddy Hill Road in Medford the Clyde Hichborn Road.

RESOLVE 38 **Resolve, Requiring That Temporary Registration Plates Identify the Issuing Dealership** **LD 1427**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO BENNETT R	OTP-AM	H-244

Resolve 2003, chapter 38 requires the Secretary of State to adopt routine technical rules to establish a process by which a temporary registration plate attached to a motor vehicle or trailer identifies the dealership that attached the plate.

Transportation

RESOLVE 94 **Resolve, To Ratify the Endorsement of the Towns of Otisfield and**
EMERGENCY **Harrison in Renaming the Bolsters Mills Bridge**

LD 1632

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT R HEIDRICH		S-270 HATCH PH

Resolve 2003, chapter 94 changes the name of the Bolsters Mills Road bridge between the towns of Harrison and Otisfield that crosses the Crooked River to Kerry Grover Memorial Bridge. The law also requires the affected towns to work with the Department of Transportation when placing the signs naming the bridge.

Resolve 2003, chapter 94 was passed as an emergency measure effective June 23, 2003.

Utilities and Energy

PUBLIC 9 **An Act to Amend the Energy Resources Council Membership** **LD 238**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE BRYANT	OTP	

Public Law 2003, chapter 9 expands the membership of the Energy Resources Council to include the Commissioner of Conservation.

PUBLIC 45 **An Act To Require Review of Utility Rates Prior to Approval of Alternative Rate Plans** **LD 371**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS HALL	OTP-AM	H-85

Public Law 2003, chapter 45 requires the Public Utilities Commission to conduct a rate review ensuring the justness of rates before authorizing or reauthorizing a price cap plan for a natural gas or a transmission and distribution utility. The law allows the Public Utilities Commission to conduct the reviews in a manner that limits the costs to ratepayers.

PUBLIC 48 **An Act To Eliminate Potential Restrictions to the Establishment of** **LD 776**
EMERGENCY **an Alternative Form of Regulation for Some Telephone Utilities**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS HALL	OTP	

Public Law 2003, chapter 48 repeals a section of law that provides for certain procedural requirements if the Public Utilities Commission concludes a proceeding establishing an "alternative form of regulation" for a telephone utility before certain dates in 1995 and 1996. Repealing this clarifies that the commission may establish an alternative form of regulation for telephone utilities for which the commission has not yet established an alternative form of regulation.

Public Law 2003, chapter 48 was enacted as an emergency measure effective April 17, 2003.

Utilities and Energy

**PUBLIC 70 An Act Restricting Telemarketers from Blocking Their Telephone
Numbers When Making Solicitation Calls**

LD 331

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS	OTP-AM MAJ	S-15
HUTTON	ONTP MIN	

Public Law 2003, chapter 70 requires intrastate telemarketers to transmit or cause to be transmitted the telephone number and, when made available by the telemarketer's carrier, the name of the telemarketer to any caller identification service in use by a recipient of a telemarketing call. The Federal Trade Commission has recently adopted by rule a similar provision relating to interstate telemarketing calls under the FTC's jurisdiction. Full compliance with the federal rule provision is not required until January 29, 2004; this Maine provision is effective on the same date.

**PUBLIC 101 An Act To Promote Affordable Telephone Service for Business and
EMERGENCY Residential Customers in Rural Maine**

LD 265

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL	OTP-AM	S-21
GROSE		

Public Law 2003, chapter 101 requires the Public Utilities Commission to balance the potentially conflicting access rate and toll rate policies. The law provides for a 2-year delay in the reduction of intrastate access rates to the interstate level as of January 1, 2003. The amendment also provides that if further reductions occur in interstate access rates, the commission may further reduce intrastate access rates provided that in any 2-year period the further reductions do not result in an increase of more than 50% in the price of local telephone service or in the collection rate for the state universal service fund.

Public Law 2003, chapter 101 was enacted as an emergency measure effective May 2, 2003.

PUBLIC 124 An Act To Enhance Homeland Security

LD 724

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE	OTP-AM MAJ	H-131
TREAT	ONTP MIN	

Public Law 2003, chapter 124 clarifies that confidential information in E-9-1-1 databases that is required to be disclosed to providers of emergency services and providers of emergency support services pursuant to 47 United States Code, Section 222(g) remains subject to existing confidentiality provisions and that a provider of emergency services and emergency support services that acquires such confidential information pursuant to that provision of federal law may use the information solely for the purposes of delivering or assisting in the delivery of emergency notification services. The amendment also provides that the name, address and telephone number of any person to whom any outgoing emergency notification ("reverse 911") call is made using confidential

Utilities and Energy

information acquired pursuant to 47 United States Code, Section 222(g) are confidential in the same manner as that information in the E-9-1-1 database.

PUBLIC 141	An Act To Allow Consumer-owned Utilities To Purchase Power at Negotiated Wholesale Rates, Terms and Conditions	LD 1030
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURPHY HATCH PH	OTP-AM	H-124

Public Law 2003, chapter 141 provides explicit permission for consumer-owned transmission and distribution utilities to enter into wholesale power purchase agreements for the purpose of providing retail generation service within their service territories and clarifies that a consumer-owned transmission and distribution utility that purchases power at wholesale for resale to its customers must comply with the portfolio and information disclosure requirements applicable to competitive electricity providers.

PUBLIC 147	An Act To Amend the Standard Water District Enabling Act	LD 804
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL	OTP-AM MAJ ONTP MIN	S-51

Public Law 2003, chapter 147 does the following:

1. It clarifies that the registrar of a standard water district must keep a list of all registered voters within the district;
2. It removes a provision of law relating to water district trustee compensation that requires that such compensation be specified in the bylaws and be for meetings attended and reimbursement for expenses; under the new provision trustee compensation is set by the trustees as approved by the municipal officers of the municipalities;
3. It allows a water district to increase its debt limit through a referendum procedure; and
4. It imposes a lien on property served by water districts to secure payment for unpaid rates.

Utilities and Energy

PUBLIC 151 An Act Regarding Energy Efficiency Standards

LD 1321

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ADAMS HALL	OTP-AM	H-179

Public Law 2003, chapter 151 updates Maine law pertaining to energy efficiency standards and indoor air quality. After January 1, 2004 new construction or substantial renovations of conditioned space in residential buildings of more than 2 dwelling units must conform to the 2001 ASHRAE standards.

PUBLIC 153 An Act To Clarify That All Companies Offering Telephone Services for Compensation, Including Switchless Resellers, Are Telephone Utilities

LD 775

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS HALL	OTP-AM	H-125

Public Law 2003, chapter 153 clarifies that all persons offering telephone services for compensation, including so-called "switchless resellers," are telephone utilities. The law revises the definition of "telephone utility" by specifying that a telephone utility offers "telephone service", establishes a new definition of "telephone service", repeals the definition of "telephone line" and clarifies that the term "telephone utility" does not include entities excluded from the definition of "public utility."

PUBLIC 194 An Act To Provide Parity in Funding for Enhanced 9-1-1 Services

LD 771

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS HALL	OTP-AM	H-217

Public Law 2003, chapter 194 provides that cellular and wireless telecommunications service providers may only receive reimbursement for eligible expenses related to the E-9-1-1 system if the provider does not separately bill customers for the expenses and the provider is not otherwise reimbursed for the expenses. Currently, cellular and wireless customers contribute to the E-9-1-1 fund, but only landline telephone service providers are entitled to reimbursement for implementation costs.

Utilities and Energy

PUBLIC 217 An Act To Strengthen Delivery of Electricity Conservation Programs

LD 231

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL	OTP-AM	S-88

Public Law 2003, chapter 217 requires that proportional equivalency in the Public Utilities Commission's conservation assessments on transmission and distribution utilities be based on a per-kilowatt-hour calculation rather than total transmission and distribution utility revenues.

PUBLIC 219 An Act To Encourage Energy Efficiency and Security

LD 352

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL BERRY	OTP-AM	S-87

Public Law 2003, chapter 219:

1. Requires the Public Utilities Commission, in adopting conservation programs, to seek to encourage efficiency in electricity use, provide incentives for the development of new, energy-efficient business activity in the State and take into account the costs and benefits of energy efficiency and conservation to existing business activity in the State; and
2. Requires the Public Utilities Commission to undertake an investigation to identify rate designs, mechanisms or other means that provide incentives for transmission and distribution utilities to promote energy efficiency and that promote the security and robustness of the electric grid. The Commission is required to submit its report to the Utilities and Energy Committee by February 1, 2004.

PUBLIC 267 An Act To Authorize Water and Wastewater Districts To Lease Their Assets

LD 1252

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN MAYO	OTP-AM MAJ ONTP MIN	H-316

Public Law 2003, chapter 267 provides that a consumer-owned water or wastewater district may enter into lease and leaseback transactions with respect to property other than land. It also defines leases to include leases of any length, including leases that may be defined as sales for income tax purposes.

Utilities and Energy

PUBLIC 272 **An Act To Ensure Proper Funding of the Public Utilities**
EMERGENCY **Commission and the Public Advocate**

LD 1042

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS	OTP-AM MAJ	H-319
	ONTP MIN	

Public Law 2003, chapter 272:

1. Authorizes the Public Utilities Commission to assess public utilities to fund the commission's budget on a going forward basis at the same rate as was authorized for the 2004 fiscal year;
2. Authorizes the Public Utilities Commission and the Public Advocate to carry forward 100% of unspent funds at the end of fiscal years 2003 and 2004;
3. Directs the Public Utilities Commission to report to the Joint Standing Committee on Utilities and Energy by January 1, 2004 its activities for the prior fiscal year and its evaluation of the adequacy of the assessment and the appropriateness of the current apportionment of the assessment among utilities; and
4. Authorizes the Joint Standing Committee on Utilities and Energy to report out legislation relating to Public Utilities Commission assessment to the Second Regular Session of the 121st Legislature.

Public Law 2003, chapter 272 was enacted as an emergency measure effective May 23, 2003.

PUBLIC 275 **An Act To Protect Conservation Trust Funds**

LD 805

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL	OTP-AM MAJ	S-133
	OTP-AM MIN	

Public Law 2003, chapter 275 deems funds collected from electricity consumers pursuant to the Maine Revised Statutes, Title 35-A, section 3211-A to be held in trust for the purposes of benefiting electricity consumers. In the event these funds are not expended or contracted for expenditure within 2 years of being collected from consumers, the Public Utilities Commission is directed to return the value of those funds to consumers by reducing the assessment it collects from transmission and distribution utilities pursuant to Title 35-A, section 3211-A.

Utilities and Energy

PUBLIC 327 An Act to Control Internet "Spam"

LD 255

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODWIN	OTP-AM MAJ	H-70
TREAT	ONTP MIN	

Public Law 2003, chapter 327 restricts unsolicited commercial e-mail ("spam"), defined as e-mail that is sent for the purpose of advertising or conveying information about real property, goods or services or extending credit or soliciting contributions, by requiring the e-mail to contain a valid return e-mail address maintained by the sender to which the recipient may respond indicating that the recipient does not wish to receive further unsolicited commercial e-mail from the sender. The restriction does not apply to e-mail sent to persons with whom the sender has a prior relationship or who have requested the information from the sender. Unsolicited commercial e-mail must include in the subject line a label, as specified, so that recipients are made aware of the nature of the e-mail. The law prohibits a person from sending an unsolicited commercial e-mail that uses another person's Internet address or domain name without permission or that contains false routing information. Each unsolicited commercial e-mail sent to a recipient in violation of this law is considered an unfair trade practice.

PUBLIC 359 An Act To Facilitate the Implementation, Maintenance and Operation of the E-9-1-1 Emergency System

LD 1423

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS	OTP-AM	H-451
STRIMLING		

Public Law 2003, chapter 359:

1. Moves the Emergency Services Communication Bureau from the Department of Public Safety to the Public Utilities Commission;
2. Keeps the current surcharge at 50¢ per month per line or number by removing the "sunset" provision in current law that reduces the surcharge to 32¢ 90 days after the adjournment of the First Regular Session of the 121st Legislature; and
3. Directs the Emergency Services Communication Bureau to seek to reduce the total number of public service answering points (currently 48) to between 16 and 24.

Utilities and Energy

PUBLIC 412 An Act To Enhance Electric Utility Consumer Protections

LD 1595

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL HALL	OTP-AM	H-426

Public Law 2003, chapter 412 requires an investor-owned transmission and distribution utility to adopt and ordinarily follow as a general operating policy a schedule of reading customer meters on a monthly basis. Any investor-owned transmission and distribution utility that plans to adopt a different policy, such as bimonthly meter reading, must receive prior approval of the commission.

PUBLIC 478 An Act To Facilitate E-9-1-1 for Multiline Telephone Systems

LD 1444

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS HALL	OTP-AM	H-425

Public Law 2003, chapter 478 permits the Emergency Services Communications Bureau to adopt rules to establish requirements for locating emergency calls, and initiating emergency responses to such calls, made from within multiline telephone systems, including network-based or premises-based systems, whether owned or leased by a public or private entity, such as private branch exchanges or Centrex systems. The amendment establishes parameters for any such rules, makes them major substantive rules subject to legislative approval and requires them to be approved by the Public Utilities Commission prior to their submission to the Legislature.

PUBLIC 487 An Act To Strengthen the Energy Resources Council EMERGENCY

LD 669

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL	OTP-AM MAJ ONTP MIN	H-567 RICHARDSON J S-200

Public Law 2003, chapter 487 does the following:

1. It changes the funding support for the Energy Resources Council. Currently funding is provided by member agencies. This amendment directs the council to seek federal funding. To the extent such funding is insufficient, member agencies are directed to enter into an agreement to share the costs of staff. It also authorizes the council to seek, and the Public Utilities Commission to provide, up to \$200,000 from the conservation program fund to support legislatively directed activities of the council and projects generally consistent with the purposes of the program fund.

Utilities and Energy

2. It directs the council to undertake a study of energy-related policy and its implementation, with particular focus on energy efficiency and renewable energy. It provides for 4 members of the Legislature to be appointed to participate in the council's study.

Public Law 2003, chapter 487 is an emergency measure effective June 23, 2003.

PUBLIC 497 An Act To Promote Energy Conservation

LD 233

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING	OTP-AM MAJ ONTP MIN	S-145

Public Law 2003, chapter 497:

1. Requires the State Board of Education, by July 1, 2004, to adopt rules regarding state-funded school construction to require planning and design for such construction to include a life-cycle cost analysis and an energy-use target that exceeds by at least 20% the energy efficiency values established in the state building energy standards;
2. Requires that approval by the State Board of Education of state-funded school construction be withheld unless the local school authority shows that it has duly considered the most energy-efficient and environmentally efficient designs suitable;
3. Requires the Department of Administrative and Financial Services, Bureau of General Services, by July 1, 2004, to adopt rules regarding state-funded construction to require planning and design for such construction to include a life-cycle cost analysis and an energy-use target that exceeds by at least 20% the energy efficiency values established in the state building energy standards;
4. Requires any agency responsible for approving state-funded construction to withhold such approval unless the agency or other entity proposing the construction can show that it has duly considered the most energy-efficient and environmentally efficient designs suitable; and
5. Directs the Public Utilities Commission, in consultation with the Energy Resources Council, to form a working group to review current state building energy standards and their enforcement and submit a report to the Joint Standing Committee on Energy and Utilities not later than February 1, 2004 and authorizes the committee to report out legislation on energy policy to the Second Regular Session of the 121st Legislature.

Utilities and Energy

PUBLIC 505 An Act To Improve the Ability of the Public Utilities Commission To Enforce State Laws, Rules and Requirements

LD 1483

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS	OTP-AM MAJ	H-342
HALL	ONTP MIN	

Public Law 2003, chapter 505 changes most of the penalty provisions that apply to violations of laws administered by the Public Utilities Commission.

It repeals a variety of specific penalties related to violations of certain laws administered by the PUC; such violations, under the law, fall under new general penalties (see below). The law leaves in place current administrative penalties for certain violations. The law increases penalties that apply to violations by gas utilities and gas pipelines of safety laws, makes them administrative rather than civil, and adds more specificity to the factors to be weighed in determining the amount of a penalty. The law amends the “slamming” law to allow the PUC to order a telephone utility acting as billing agent to withhold payments to a suspected slammer pending administrative penalty proceedings. It also amends the “cramming” law to expand and change provisions relating to revocation of registration of a company that violates that law. The law allows the PUC to issue cease and desist orders under the dig safe law to prevent damage to underground facilities (currently the PUC can seek a temporary restraining order in court).

The law repeals the current general penalty provision (civil forfeiture of up to \$1,000/offense) that applies in cases in which a specific penalty for a violation is not otherwise specified. The law creates new general penalty provisions. It establishes a new Class C crime for knowingly making a false statement in a PUC proceeding. It establishes new and much more substantial administrative penalties (imposed and collected by the PUC) for violations of Title 35-A, PUC rules or PUC orders in cases where no other specific penalty is provided. The PUC is also authorized to order disgorgement of any profit or revenue resulting from any such violations. The law directs the PUC to take into account various factors in determining the amount of a penalty (e.g., severity of violation, intent, history of prior violations, etc.)

The law authorizes the PUC to suspend or revoke the authority of a public utility to provide service on a finding that the utility is unfit to provide adequate service, authorizes the PUC to order a person to cease and desist from providing service if person hasn’t obtained necessary PUC approvals, and allows the PUC to require an applicant to submit a bond as a condition for PUC approval of the applicant to provide public utility service

The law requires that all administrative penalties collected by the PUC are deposited in a reimbursement fund to pay the PUC’s costs of enforcement; excess funds go to the general fund.

Utilities and Energy

**PUBLIC 506
EMERGENCY**

An Act To Provide Energy Opportunities to Northern Maine

LD 163

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND YOUNG	OTP-AM	S-290 CATHCART S-48

Public Law 2003, chapter 506 accomplishes the following:

1. Authorizes the Finance Authority of Maine to issue up to \$100,000,000 in moral obligation bonds to fund transmission facilities projects, including projects approved by the Northern Maine Transmission Corporation or other electric or gas transmission or energy generation facilities, to benefit northern Maine;
2. Establishes certain criteria for the issuance of such bonds, allows the Finance Authority of Maine to charge certain fees of applicants and requires electric transmission projects of 69 kilovolts or more to receive a certificate of public convenience and necessity from the Public Utilities Commission;
3. Expands the purposes of the Northern Maine Transmission Corporation to include financing, permitting, constructing, owning, operating or otherwise facilitating the construction or operation of facilities for the transmission of natural gas and generation or production and transfer of any other energy source in northern Maine;
4. Clarifies that the records of the Northern Maine Transmission Corporation are subject to the same confidentiality provisions as the records of the Finance Authority of Maine;
5. Authorizes the Northern Maine Transmission Corporation to adopt rules and enter into contracts; and
6. Allows the Public Utilities Commission to deny a certificate of public convenience and necessity for an electric transmission line proposed to be financed by the Northern Maine Transmission Corporation or the Finance Authority of Maine if the commission finds the line is reasonably likely to adversely affect any transmission and distribution utility or its ratepayers.

Public Law 2003, chapter 506 was enacted as an emergency measure effective June 26, 2003.

P & S 9

An Act To Create the Bayside Utilities District

LD 1212

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ASH HATCH PH	OTP	

Private and Special Law 2003, chapter 9, if approved by local referendum, creates the Bayside Utilities District and allows the Northport Village Corporation to convey its water-related and sewer-related assets to the Bayside Utilities District.

Utilities and Energy

**P & S 10
EMERGENCY**

An Act to Address Funding of the North Jay Water District

LD 7

<u>Sponsor(s)</u> PINEAU	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-111
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Private and Special Law 2003, chapter 10 increases the debt limit of the North Jay Water District from \$500,000 to \$900,000.

Private and Special Law 2003, chapter 10 was enacted as an emergency measure effective May 6, 2003.

**P & S 15
EMERGENCY**

An Act To Amend the Charter of the Lubec Water and Electric District

LD 678

<u>Sponsor(s)</u> SHOREY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-46
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Private and Special Law 2003, chapter 15 amends the Charter of the Lubec Water and Electric District to take into account the sale of the district's electric business on August 1, 1990. The law also provides that a municipal officer of the Town of Lubec is not eligible to be a trustee of the district but removes the current ineligibility for holders of other town offices; provides that all voters in the district are eligible to vote in trustee elections; and provides that trustee elections are held at the annual town meeting of the Town of Lubec.

Private and Special Law 2003, chapter 15 was enacted as an emergency measure effective May 13, 2003.

**P & S 16
EMERGENCY**

An Act To Amend the Charter of the Madawaska Water District

LD 967

<u>Sponsor(s)</u> MARTIN PARADIS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-45
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Private and Special Law 2003, chapter 16 authorizes a referendum within the Madawaska Water District to allow it to charge readiness-to-serve charges against properties abutting on or accessible to the water lines of the district that on or after January 1, 2004 are improved with new residential or commercial structures requiring systems for the disposal of sewage and wastewater but that do not connect to district's water lines.

Private and Special Law 2003, chapter 16 was enacted as an emergency measure effective May 14, 2003.

Utilities and Energy

P & S 19

An Act To Revise the Charter of the Brunswick Sewer District

LD 655

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY EDMONDS	OTP-AM	H-180

Private and Special Law 2003, chapter 19 extends the boundary limit of the Brunswick Sewer District to include the growth area defined by the growth/rural area boundary on the Town of Brunswick zoning map. It provides that the Town Council may expand the territory further to address threats to public health and safety. The law also amends the charter to make clear the trustees must comply with current law that requires the trustees to acquire written assurance from the town council that any sewer extension is in conformity with the Town of Brunswick Comprehensive Plan, Zoning Ordinance. That portion of the bill that expands the territory of the Brunswick Sewer District is subject to local referendum approval within the district.

P & S 25

An Act To Amend the Charter of the Baileyville Utilities District

LD 1608

EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A	OTP-AM	H-424

Private and Special Law 2003, chapter 28 permits the Baileyville Utilities District to contract with the Town of Baileyville for the management, oversight and billing related to the town's sewer department.

Private and Special Law 2003, chapter 28 was enacted as an emergency measure effective June 3, 2003.

P & S 26

An Act Repealing the Charter of the Brewer Water District

LD 1594

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	S-176
	ONTP MIN	

Private and Special 2003, chapter 26, as required by Private and Special Law 2001, chapter 66, dissolves the Brewer Water District. All powers, property and obligations of the Brewer Water District have been transferred to the City of Brewer pursuant to Private and Special Law 2001, chapter 66. The law preserves a provision from the charter of the former Brewer Water District relating to the water quality of Hatcase Pond.

Utilities and Energy

P & S 28
EMERGENCY

An Act to Amend the Charter of the New Portland Water District

LD 1620

Sponsor(s)
MCGLOCKLIN
HATCH PH

Committee Report
OTP-AM

Amendments Adopted
H-530

Private and Special Law 2003, chapter 28 expands the territorial limits of the New Portland Water District, subject to local referendum approval.

Private and Special Law 2003, chapter 28 was enacted as an emergency measure effective June 5, 2003.

RESOLVE 5 **Resolve, Regarding the Reduction of Barriers to the Transmission of Electricity**

LD 668

Sponsor(s)
HALL

Committee Report
OTP

Amendments Adopted

Resolves 2003, chapter 5 directs the Public Utilities Commission to work with the government of the Province of New Brunswick, Canada on ways to reduce or eliminate transaction costs and barriers to the free flow of electricity between Maine and Atlantic Canada.

RESOLVE 22 **Resolve, Regarding Legislative Review of Chapter 311: Eligible Resource Portfolio Requirements Rule Amendment, a Major Substantive Rule of the Public Utilities Commission**

LD 1495

EMERGENCY

Sponsor(s)

Committee Report
OTP

Amendments Adopted

Resolve 2003, chapter 22 approves Chapter 311: Eligible Resource Portfolio Requirements Rule Amendment, a major substantive rule of the Public Utilities Commission.

Resolve 2003, chapter 22 was enacted as an emergency measure effective May 15, 2003.

Utilities and Energy

RESOLVE 45 Resolve, Relating to Renewable Resources

LD 1312

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL WESTON	OTP-AM	H-317

Resolve 2003, chapter 45 directs the Public Utilities Commission to examine mechanisms designed to ensure a secure, adequate and reliable supply of electricity for state residents and to maintain and increase the State's use of renewable and indigenous resources. The commission is directed to submit the results of its examination to the Joint Standing Committee on Utilities and Energy by December 31, 2003 and the committee is authorized to report out legislation in response to the commission's examination.

RESOLVE 46 Resolve, Regarding Legislative Review of Chapter 306: Information EMERGENCY Disclosure Rule Amendment, a Major Substantive Rule of the Public Utilities Commission

LD 1494

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-294

Resolve 2003, chapter 46 authorizes the adoption of Chapter 306: Information Disclosure Rule Amendment, a provisionally adopted major substantive rule of the Public Utilities Commission, if a provision is removed that provides that fuel cells and geothermal, solar, tidal and wind power are separately identified on the label only if contained in the competitive electricity provider's actual fuel mix. With this amendment, the rule will require separate identification of these fuel sources on the label, even if no such fuel sources are in the provider's actual fuel mix.

Resolve 2003, chapter 46 was enacted as an emergency measure effective May 23, 2003.

RESOLVE 50 Resolve, To Encourage Use of Alternative Energy Sources

LD 1184

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL	OTP-AM MAJ ONTP MIN	S-132

Resolve 2003, chapter directs the Energy Resources Council, in consultation with the Department of Environmental Protection, to undertake a study of alternative transportation and heating fuels, alternatively fueled vehicles and biofuels and to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters with interim findings and recommendations by January 31, 2004 and with final recommendations by January 31, 2005. The reports must recommend production and usage goals for alternative transportation fuels and biofuels and recommend strategies for achieving those goals.

Utilities and Energy

RESOLVE 78 **Resolve, To Create the Study Group To Examine an Emergency**
EMERGENCY **Alert Notification System for Deaf and Hard-of-hearing Individuals**

LD 397

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM	H-551 RICHARDSON J
KOFFMAN		S-40

Resolve 2003, chapter 78 establishes the Study Group to Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals. The study group consists of 17 members and is chaired and staffed by the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management. The study group is directed to invite the participation of any interested members of the Joint Standing Committee on Utilities and Energy. The Study Group is authorized to report out a single bill related to the study. The study group is not allowed to seek an extension of time to complete its study.

Resolve 2003, chapter 78 was enacted as an emergency effective June 17, 2003.

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